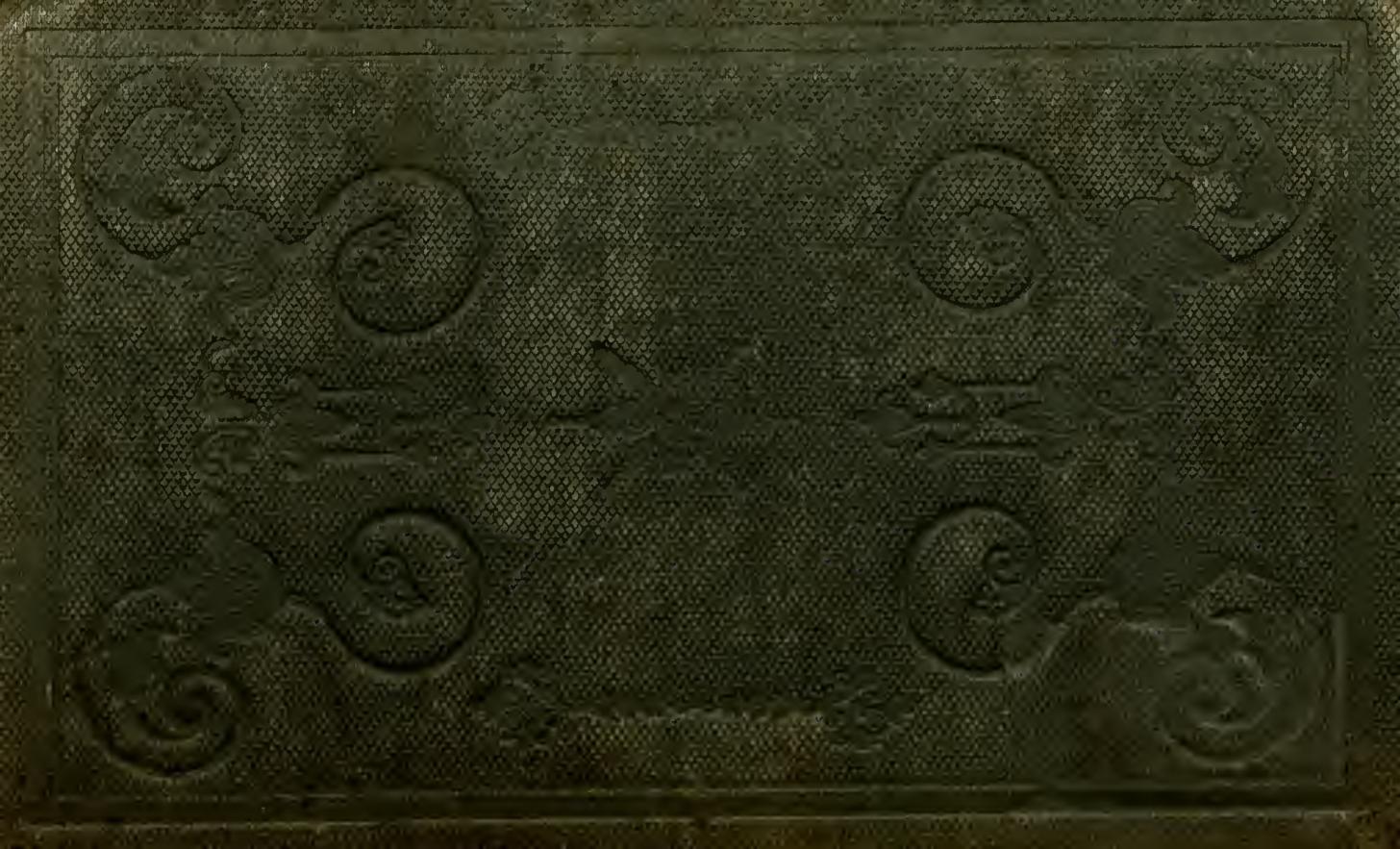

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UNLAWFUL MARRIAGE:

AN ANSWER

TO

"THE PURITAN" AND "OMICRON,"

WHO HALE ADVOCATED, IN A PAMPHLET,

THE LAWFULNESS OF THE MARRIAGE OF A MAN WITH HIS DECEASED WIFE'S SISTER.

BY

J. J. JANEWAY, D. D.

NEW-YORK:
ROBERT CARTER, 58 CANAL-ST.
1844.

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In writing this reply the author has sincerely sought the truth. He wishes the truth to be established, whatever may be the result of his labor.

That the reader may test his *fairness*, he has carefully noted the pages where may be found the passages on which he animadverts, and generally the paragraphs too. This will greatly facilitate the trouble of finding the passages.

With the same view, he has endeavored to mark accurately the book and chapter, and sometimes the page of the authorities to which he refers, or from which he quotes.

The author has no fondness for controversy; but

having, for his own satisfaction, examined the question, he felt it to be his duty to do what might be in his power to defend the truth, and set forth the claims of what he believes to be a COMMAND OF GOD.

NEW BRUNSWICK, Nov. 29, 1843.

ERRATA.

Page 64, line 6, read *no law*, for the law.
" 78, " 6, " *nicces*, " wives.
" 114, " 17, " *scu* " sue.
" 117, " 2, " 110 " 118.

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INTRODUCTION.

THE design of the Puritan's pamphlet is to vindicate the lawfulness of a marriage between a *man and his deceased wife's sister.* It was prepared and published in opposition to an ACT *of the General Assembly of the Presbyterian Church,* by which, in accordance with their Confession of Faith, and, as they believed, in accordance with the sacred Scriptures, they affirmed the decision of one of their Presbyteries, who had deposed a member for the sin of contracting such a marriage.

It was distributed widely among the members of the Presbyterian Church: and, as the question of the lawfulness of such a marriage had, by appeal, come up before the General Synod of the Reformed Dutch Church, and had, by that Synod, been sent down to all their Classes,

to report their judgment on the question to the next Synod, the pamphlet was widely and gratuitously distributed among the members of the Classes, with a view to influence their decision, and to effect a change in the action of that Christian Church in regard to such marriages.

It had doubtless very considerable influence on the members of that Church, and particularly on her younger ministers. The General Synod of the Reformed Dutch Church, at their last session, having received the reports of their Classes, departed from what had heretofore been the uniform practice of their Church, and the Church of Holland, from which they were descended, by resolving, "that all resolutions which may have been passed by the General Synod, forbidding a man to marry his deceased wife's sister, be and hereby are rescinded."*

In the year 1816, the venerable Dr. John H. Livingston, Professor of Theology in the Seminary of that Church, prepared and published a dissertation on this question, at the request of the General Synod. It is able and learned.

* See their Minutes for 1843, p. 221.

As early as 1580, Holland, the Doctor shows, declared in an ordinance, "that no persons related in blood, or by affinity, within the forbidden degrees, shall be permitted to cohabit or be married, under penalty of being declared infamous, and subjected to corporeal punishment and heavy fines, and if they persisted in their crime, to banishment." In another ordinance, the forbidden degrees are enumerated; and it is declared, "that no man may marry the widow of his deceased brother, nor may any WOMAN MARRY THE HUSBAND OF HER DECEASED SISTER." Pp. 49, 50.

And to prove what construction is put on Levit. 18: 16, by the Reformed Dutch Church, the Doctor quotes from the marginal notes of the translators, appointed by the *National Synod* of DORTRECHT, held in 1618 and 1619, the following words: "From this law it necessarily follows, that a woman who has been married with one brother, may not, after his death, marry with another brother; and, upon the same principle, a man who has been married to one sister, may not, after her death, marry the other sister." He quotes also their note on verse 18, which is

as follows: "It consequently can by no means from this be concluded, that the husband, *after the death* of his wife, may marry her sister." Pp. 162, 163. The following pages, from p. 168 to 172, contain strong additional confirmation, which are commended to the reader's notice.

In the conclusion of his dissertation, this venerable and profoundly learned Professor, long the brightest ornament of his Church, says: "The REFORMED CHURCH IN HOLLAND has established by her canons, '*that no man may marry his sister-in-law, and no woman may marry her brother-in-law*,' and has never deviated from that rule. The REFORMED DUTCH CHURCH IN AMERICA, which is the same with the Church in Holland, has adopted the same canons, corresponds with that Church, and is esteemed and beloved by it, as a valuable portion of the same Church, and is bound by the most sacred obligations to transmit unimpaired to posterity the precious treasure with which she is intrusted. There can THEREFORE be no cause for suspense, no motive for hesitation: but, on the contrary, every consideration suggested by faithfulness to God and attachment

to His Church, renders it an imperious duty to avoid even the appearance of SCHISM, and strictly to ABIDE BY THE ESTABLISHED CANONS."

"It has pleased the Lord to preserve this Church during two centuries in America, and render her conspicuous and respectable for her faithful adherence to the doctrines of the gospel and the purity of her morals. It is, THEREFORE, fervently hoped, that this distinguished Church will never relax in her holy discipline, nor tarnish her high and worthy character by abandoning her standards, or rescinding her *own canons*;— above all, that she will not be the first, the only one in this country, or even in the world, who shall dare to contravene the law of God, and dispense with a crime which he forbids." Pp. 176–178.

In the year 1788, the Particular Synod of that Church resolved, "that as all such marriages are contrary to the word of God, and that purity of life so becoming the Christian character, the persons contracting such marriages cannot be admitted to the table of the Lord until the offence be removed." In 1797, the question "was brought up from the Particular Synod,

"Is it lawful for a man to marry his deceased wife's sister?" to the General Synod, who answered the question in the negative, and determined at the same time, that the censure proper to be inflicted on persons contracting such unlawful marriage, had been justly decided on by the Particular Synod of 1788, whose resolution has just been recited.*

In 1815, nineteen years afterwards, the question came before the General Synod again for adjudication, when they postponed the decision till the next year. At this session the venerable Professor was requested to write on the subject. See preface to his dissertation.

The next year the vote was taken on this resolution: "*Resolved*, That so much of the acts of the General Synod, passed in the years 1797 and 1815, recorded on page 264, in the appendix to our constitution, as directs the churches to exclude from sealing ordinances the persons contemplated by those acts, be, and the same is hereby repealed." The vote stood thus: yeas *fifteen*, nays *forty-one;* nearly three to one.

* See Reformed D. C. Constitution, p. 264, published in 1815

The names are recorded. "Whereupon it was *Resolved, nemine contradicente,* That it is inexpedient to make any alteration or modification of the decisions of the Church on the subject of a man's marrying his deceased wife's sister."

Fifteen years after this, in 1842, this vexed question came up again, by appeal from a Classes which had subjected an offender to merited discipline. The Synod sent it down to the Classes to be considered and reported on. The result is before the public. By a vote of forty-eight to twenty-two the resolution already recited (p. 10) was adopted.

The sad event, deprecated by the venerable man who contended for the purity of that Church which he so much loved, and whose interests he had so greatly promoted, has arrived. Were he now living, he would pour out his devout soul in deep humiliation before God, and exclaim, ICHABOD!

The feelings of the NEW ENGLAND PURITAN are doubtless of an opposite nature. The pamphlet bearing this name, to which we now return, is, *as a whole,* a singular production. It is composed of two distinct essays, written by different persons, and an extract from an essay

by a third individual. The PURITAN regards the law in Levit. viii. as a *Jewish* law, having no reference to marriage, and imposing no obligation on other nations. OMICRON admits the law to be a law relating to marriage, and prescribing the degrees within which marriage is not to be contracted; but he endeavors to prove the particular marriage in question not prohibited by this law. Dr. BENEDICT takes the same ground, but boldly affirms this marriage to be lawful, because it is not specified among the prohibitions. In the same way he might prove the lawfulness of marriage between own brothers and sisters; for they are not found among the specifications.

The PURITAN willingly calls on writers who occupy ground so entirely different from the ground on which he stands, to assist him in opening a wide door for the marriage of a man with his deceased wife's sister, to pass from a state of dishonor to a state of honor. The success of this combined effort will be tested. We shall see whether those writers can wipe away the disgrace, which past ages have stamped upon such connexions.

We find too in this pamphlet, an extract from a letter of the late Judge Brockholst Livingston, dated Dec. 12, 1817. It contains not a single argument. All is naked assertion.

A man of that name once lived in New York. Destitute of moral courage sufficient to refuse a challenge to fight a duel, he accepted it, and killed his antagonist. Is this the man from whose simple assertion the PURITAN is willing to call for aid? How unfortunate!

CHAPTER I.

Remarks on the Puritan's historical facts.—His inaccuracies.—Selden —Philo Judæus.—Misrepresentations of Jeremy Taylor.—Taylor's error.—Burnet.—Universities of Europe.—The Protestant Churches.—The national Synod of France.

The heading of the *Puritan's sixth* chapter is thus expressed: "*Historical view of the subject.*"

What was his subject? He aimed at proving two points:—I. That the Levitical law is not binding on us Christians, (chap. i.) II. That it did not relate to marriage at all, but only to "single acts of an incestuous character," (chap. iii.)

1. We protest against his assertion in the second paragraph of this sixth chapter: "He (Christ) even allows that for the most part their expositions of the law were true and to be observed;" which he attempts to sustain by quot-

ing this passage: "The Scribes and Pharisees sit in Moses' seat; all therefore whatsoever they bid you observe, that observe and do." (Matt. 23: 2, 3.)

Before the Saviour had uttered this, He had upbraided these Jewish teachers with making "the *commandment* of God of none effect by their *tradition*;" and with "teaching for doctrine the commandments of men;" and He had stigmatized them as "*blind leaders* of the blind." (Matt. 15: 3, 6, 9, 14.) At another time (Matt. 16: 6, 12) He had given his disciples this general caution: "Take heed and beware of the leaven (doctrine) of the Pharisees;" and, in the very chapter quoted from by the *Puritan*, our blessed Lord thunders out against these false teachers the most terrible denunciations; denominating them "*fools* and blind guides," and closing the whole in this awful language: "Ye serpents, ye generation of vipers, how can ye escape the damnation of hell?" (v. 33.) Was it correct in the *Puritan* to assert of teachers thus characterized by Christ, and in regard to whom He cautioned his disciples, that He "allowed their expositions of the law" to be, for the

most part, "true, and to be observed." Surely not; He only meant, his disciples were to receive as true, and observe what they taught according to the law of Moses. They were to act as the noble Bereans did, when Paul preached to them; they "received the word with all readiness of mind, and searched the Scriptures daily, whether those things were so." (Acts 17 : 11.) No intelligent commentator, such as Doddridge, Scott, or Clarke, will sustain the *Puritan's* interpretation.

2. We think he has failed to derive support from these blind leaders; for the *Talmudists*, whom he calls "the successors of the Pharisees," (p. 21,) certainly did regard the Levitical statutes *as referring to marriage*, and prescribing its limits. The *Karaites* too and the *Hebrews* put on the law the same construction.*

3. Nor has the *Puritan* proved what he thinks "undisputed:" "the *Talmudists* tell us that the ancient Jews practised the marriages in question, and did not regard them as forbidden by the law of Moses." (Chap. VI. 2d par.)

* Uxor Hebraica, chap. i—iv.

What is his proof of this confident assertion? A quotation from *Selden*, which he translates thus: "The Karaites regard the marriage of a wife's sister, both while the first is living and after her death, as forbidden. *But the Talmudists teach otherwise.*" The original, "Quod non admittunt Talmudici," is weaker than the above translation. But let it pass.

On this quotation we remark: 1. Selden does not speak of any testimony borne to a fact or ancient custom of the Jews, either by the Talmudists or by the Karaites; but only tells us how each sect interpreted the law. 2. *Selden* does not say, the *Talmudists* have informed us how the Pharisees interpreted the law; nor has he marked the *period* when the Talmudists began to teach this doctrine. He only informs us they taught it, when the Karaites taught the opposite. Now, let it be remembered, the Karaites were not formed into a regular sect till the year 750.* Yet this single quotation from *Selden*, the *Puritan* magnifies in his next paragraph (p. 22) into "the united testimony of a nation embodied in the Talmuds."

* Buck's Theol. Dict. Adam's Hist. of all Religions.

The *Puritan* claims to be a descendant and successor of the *Puritans* who settled in Massachusetts a little more than 200 years ago. Suppose his pamphlet should hereafter fall into the hands of an individual yet to be born, and he, from the *Puritan's* name, should infer that he had justly represented their faith and practice; would the inference be true in point of fact? To use the writer's own words, "We trow not." The Westminster Confession of Faith was, in 1648, with the exception of what relates to Church government and discipline, adopted by those Puritans, with the highest commendation. No alteration was then made in the section relating to *Incest*.*

Had our brother extended his acquaintance with *Selden*, he might have found a passage more suited to his purpose. Speaking of the six blood relations of the wife, whom, in the opinion of the Hebrews, it was unlawful for her husband to marry, whether legitimate or illegitimate, *Selden* goes on to add the seventh: "Nec demum septimam, uxoris nempe sororem sive uterinam

* Preface to Camb. Platform, pp. 4, 5.

sive germanam, dum illa superstes; tam etsi fuerit repudiata. Nam de uxoris sorore jam demortuæ nunquam dubitarunt; cum verba legis de uxore sint, *dum ipsa adhuc vivit.*"* But even this, on examination, will be found to be insufficient to support the Puritan's confident assertion noticed above.

The authority for the statement made in the quotation adduced by our brother, is the passage we have just cited. Now, if *Selden* had referred to *Philo Judæus*, or to the *Mishna* or *Gemarra*, as his authority for saying the Hebrews did not doubt the lawfulness of marrying a deceased wife's sister, it would have been better supported. His authority is either *Salomon Jarchi ad* Levit. 18 : 18, and *Maimonides*, celebrated Jewish writers who lived in the *twelfth* century, many ages after the time of the Pharisees; or no particular authority.†

Philo Judæus, who was born about the commencement of the Christian era, does not assert the lawfulness of the marriage in question,

* De Jure Nat. lib. v. chap. 10. p. 545.

† Selden De Jure Nat. et Gen. lib. v. chap. 10.

which he would have done, if that had been his opinion; or he would have stated the marriage to be customary among the Hebrews, if that had been the fact. He does neither. We have before us a transcript of his original Greek, with the accompanying Latin translation, and an English version, all kindly furnished by a learned friend who had access to Philo's works. As our friend favors the marriage under debate, his English translation will be received as correct by our opponents. We give his words: "Again (Moses) does not permit a man to marry two sisters, either at the same time or at different times, even though he may have put away the one whom he took first in marriage. For, during the lifetime of her that remains with her husband, or of her that has been sent away, whether she remain a widow, or be married to another man, (Moses) accounted it unholy for the sister to take the place of her that has been unfortunate; teaching them not to violate the right of consanguinity, nor to rise by the fall of one so united by descent, nor to delight and exult in being served by her sister's enemies, and in serving them in turn. For from these things

arise violent jealousies and fierce contentions, producing an unspeakable multitude of evils."*

Philo, in this passage, certainly does not assert it to be lawful for a man to marry his deceased wife's sister. He asserts it to be a violation of the divine law, for a man to marry two sisters, either at one time, or at different times, while the first wife lives; and to be unlawful for her sister to form a connexion with her husband. He is silent in regard to what might be lawful after the death of the first wife. Now, if the Jews had never entertained a doubt, as *Selden* says, of the lawfulness of such a marriage on the death of the first wife, is it not highly probable that *Philo* would have stated the fact?

This appears the more probable, when we compare *Philo's* statement with the comment on Levit. 18: 18, by that famous Jewish Rabbi, *Jonathan* the son of Uzziel, who was contemporary with *Philo*. It is in these words: "Mulierem etiam vivente sorore non accipies, ad affligendum eam, ad revelandum turpitudinem ejus super ipsam, omnibus diebus ejus."

* De Specialibus Legibus, p. 602, printed at Geneva, 1613.

Both writers agree in teaching, that the divine law prohibited a man to marry his wife's sister while she was living; and both are silent in regard to what might be done after her decease. The comment of *Jonathan* differs, in the words he uses, but little from the text itself.

Now, if the Jews had never doubted that it was lawful for a man to marry his sister-in-law after the death of his wife, is it not highly probable the fact would have been stated by one or both of these writers, when giving the meaning of the prohibition in Levit. 18: 18? Is not their silence proof to the contrary?

But if we were to admit it could be proved, that such an interpretation was put on the Levitical law by the Scribes and Pharisees, in our Saviour's time, what will the *Puritan* gain? Are we to bow to their judgment? Christians are as competent to interpret a written law as they were; for, although they were nearer to the time of the giving of the law than Christians of the present day, yet they were not nearer than Primitive Christians. Besides, let it be remembered that, between the time of these Jewish expounders of the law and its first publication,

there had intervened fifteen hundred years; ample time for great changes in opinion and mournful departures from the spirit and true meaning of the law.

Great corruption in faith and practice had, in fact, taken place among the Jews, when our blessed Lord, the great Teacher, came into the world. They were ignorant of the true meaning of their prophetic writings, and earthly in their expectations of the benefits to be derived from the coming of the long promised Messiah, or they would not have rejected and crucified Him, when He came to bless them with His salvation. They were, as our Saviour says, a "*wicked generation.*" (Matt. 12 : 45.) The Scribes and Pharisees too had, we have seen, corrupted the law by their traditions, and were denounced by the Redeemer as "*blind guides,*" and as a "*generation of vipers.*" And are we to defer to the judgment of such expositors of the law; we who live under the Christian dispensation, and enjoy all its increased light and privileges? The Jewish teachers had, by their tradition, made of none effect that commandment of God which requires us to honor our

parents; and would it be safe to rely on their interpretation of a law that laid a restraint on their animal passions?

4. Here it may be proper to correct a quotation of the *Puritan*, on page 10, from Jeremy Taylor's *Ductor Dubitantium*. There he has fallen into a strange mistake. He cites indeed the words of Taylor; but, by an unfortunate application of them to a wrong period of time, he represents him as testifying in opposition to his own written testimony. Jeremy Taylor does not say, that, in the reign of Henry VIII. "there was almost a general consent upon this proposition, *that the Levitical degrees do not, by any law of God, bind Christians to their observance.*" He says the contrary, as will appear from his own words. On page 222 he thus speaks: "For all those degrees in which Moses's law hath forbidden marriages, are supposed, by *very many* NOW-A-DAYS, that they are still to be observed with the same distance and sacredness; affirming, because it was a law of God, with the appendage of severe penalties to transgressors, *it does still oblige us Christians.*" Subsequently he adds: "For though Christen-

dom was then" (Henry's time) "much divided, yet *before then* there was almost a general consent upon this proposition, that the Levitical degrees do not, by any law of God, bind Christians to their observance." Thus it appears the *Puritan* has fallen into an unfortunate *anachronism.* We are inclined to believe he quoted Taylor at second-hand, without examining his work for himself.

Taylor's testimony, in regard to the agreement on the proposition he names, cannot be admitted; because it is merely *negative,* and his examination of the Schoolmen was altogether too limited. He says only one schoolman dissented from this proposition. In this he appears, from the statement of *Burnet,* in his History of the Reformation of the Church of England, to have been entirely mistaken. This historian has given an abstract of what was published about Henry's divorce. In that abstract, after stating the explicit testimony both of the Greek and Latin fathers in favor of the permanent obligation of the Levitical prohibitions, he says: "They observed that the same doctrine was also taught by the fathers and doctors in the latter ages;"

and then particularly names seven of them. He afterwards adds: "From these doctors and fathers the inquiry descended to the *Schoolmen*, who had with more niceness and subtilty examined things. They do *all* agree in asserting the obligation of these Levitical prohibitions." After naming a number of the Schoolmen, he subjoins: "All the *Canonists* were of the same mind." How entirely opposite is this positive and specific testimony to the general and negative testimony of Jeremy Taylor!*

5. The decision of this question by the different Universities of Europe our brother disposes of in a summary way, by imputing it to corrupt influence, Henry's power and gold.† An accusation is one thing, and proof is another thing, entirely different. What influence had Henry with the Universities of France, in opposition to that of the *Pope* and the *King of France?* But passing by this rash insinuation, to sustain which no proof is attempted, let us look at what is said by the *Puritan* of the Pro-

* Burnet's His. vol. i. pp. 160–162, New York edition.

† Page 22, last paragraph.

testants of Germany: "Though all this did not avail to secure the Protestants of Germany in this error." Again, p. 10, 2d par.: "The Protestant Church of Europe, at that early day, seems to have had no idea that the law of Moses bound us in this particular." He then quotes *Luther* and *Melancthon* in support of his assertion.

If the *Puritan* had read *Dr. Livingston's* dissertation on this subject, he would have been preserved from this unfounded assertion; for that venerable man has quoted the closing part of the famous letter written "by those celebrated divines, who, in the name of their Church, replied to the inquiry made by Henry VIII. whether it was lawful for a man to marry his sister-in-law." Let it be transcribed: "It is manifest and cannot be denied, that the law of Levit. 18, prohibits a marriage with a sister-in-law. This is to be considered as a DIVINE, a NATURAL, and a MORAL LAW, against which no other law may be enacted or established. Agreeably to this, the *whole Church has always retained this law*, and *judged such marriages* INCESTUOUS. Agreeably to this, also, the decrees of Synods, the celebrated opinions of the

most holy fathers, and even civil laws, prohibit such marriages, and pronounce them *incestuous*. Wherefore we also judge that this law is to be preserved in all the Churches as a DIVINE, a NATURAL, and a MORAL LAW; nor will we dispense with or permit in our Churches, that such marriages shall be contracted: and this doctrine we can, and, as God shall enable us, we will resolutely defend."* Now whatever *Luther* or *Melancthon* may have hastily written, it is not likely that they, after mature deliberation, differed from these brethren of their Church, who, having solemnly investigated the subject, wrote their noble letter.

Let the reader turn to pp. 153 and 155 of the Doctor's dissertation, and he will see that *Zuinglius, Calvin, and Ecolampadius* speak in strong language about the binding authority of the Levitical law of marriage.

Further, to show the views entertained by the Protestant Churches of Europe, we submit for consideration the following acts of the NATIONAL SYNOD OF FRANCE. In the second National Synod, held at POICTIERS, in the year 1560, the

* Disser. pp. 157, 158.

question of the lawfulness of the marriage under discussion, was decided. The following is their record: "May a man lawfully espouse the sister of his deceased wife, who has left him children begotten on her body by him? To which was answered, That this is in no wise lawful nor expedient, and the Church must see to it, that no such marriages be solemnized in it."*

In the records of the transactions of the FOURTH NATIONAL SYNOD, held at LYONS in 1563, we find this minute: "It being demanded, Whether it were only a prohibition of humane laws, that the widow of a deceased brother might not be married to his surviving brother? The Council answered, That such marriages were also forbidden by the WORD OF GOD; and though, under the law of *Moses*, it was ordained, that, when the elder brother died childless, the younger brother should raise up seed to him; yet this was only a *temporary* law to God's ancient *Israel*, and intended only for the preservation and distinction of their tribes."† This

* Quick's Synodicon, vol. i. p. 18., sect. 9.

† P. 40, sect. 30.

noble body of Protestants of Europe knew how to distinguish between what was *temporary* and what was *permanent*, in the laws of Moses: and that they knew how to distinguish between a *civil* and a *divine* ordinance, may be seen from a record, (p. 19, sect. 23,) where, in reference to the case of a man, who, having promised marriage to the *cousin-german* of his deceased wife, had carnally known her, and had a child by her, before marriage, it was answered: "That forasmuch as the marriage of cousin-germans is not prohibited by the word of God, although it be by our magistrates, it is advised, That they shall separate for some time, and make public confession of their fault before the Church; and then the minister, reproving it, and admonishing that none offend for the future in this manner, they shall be married."

Here is decisive proof of the views entertained by the Protestants of Europe, in regard to the binding authority of this law of Moses. No one will affirm that these Protestant French and Lutheran divines were either seduced by HENRY'S bribes, or subdued by the influence of his authority.

CHAPTER II.

Subject continued.—Grotius.—Calvin.—Selden.—Chief Justice Vaughan.—Jeremy Taylor.—Chancellor Kent.—Dr. J. P. Wilson.—Judge Story.—Change of Sentiment.—Its Origin.

6. Having already noticed how the *Puritan* has erred in his quotation from Jeremy Taylor, this may be the proper place for testing his claims to certain great and learned men, who, he says, (p. 23,) "have plead for the lawfulness of such marriages." It belongs to the history of this subject.

Grotius heads the list. By what authority this great and learned man is claimed as advocating the Puritan's cause, does not appear. Reference is had to his interpretation of Lev. 18: 18, (p. 21, par. 2;) but it will appear inconclusive, when compared with the following quotations; which prove—1. That he considered

the Levitical statutes as determining the limits of marriages;—2. That he believed them to be binding on all men;—and 3. That he asserts they were so regarded by the Primitive Christians.

Grotius says, "The next question is about ALL the degrees of *affinity*, and the degrees of *consanguinity* in the *collateral line;* those especially which are particularly mentioned in the xviiith of Leviticus. For granting that those prohibitions were not derived from the mere law of nature, yet do they plainly appear to have their sanction from an express order of the Divine Will; nor is this such an order as obliges the Jews only, but *all mankind;* as seems to be very fairly collected from those words of God to Moses, "Defile not yourselves in any of these things; for in all these the nations are defiled, which I cast out before you." Again, "Ye shall not commit any of these abominations: neither any of your own nation, nor any stranger that sojourneth with you: for all these abominations have the men of the land done, which were before you, and the land is defiled."*

* De Jure Belli ac Pacis, lib. ii. chap. 5. sect. 13. J. Barbeyrae's Trans.

In section 14, of the same chapter, he says, "But yet the *Primitive* Christians were very much in the right of it, who voluntarily observed not only those laws which were given in common to all men, but those which were peculiarly designed for the Hebrew people; nay, and extended the bounds of modesty to some farther degrees of relation, that in this virtue too, as well as in all others, they might excel the Jews. And that this was done *early*, with *universal consent*, appears from the Canons. St. Austin, speaking of cousin-germans, both by the father and mother, marrying among Christians, '*They*,' says he, '*seldom practise what the law allowed; because, though the law of God has not forbid it, they dreaded, however, a warrantable action, for its nearness to what is unwarrantable.*' "

And to all the evidence in regard to the judgment of this learned man, on the question already presented, may be added this: That in his comment on Levit. 18: 18, (where, if anywhere, had he believed it lawful for a man to marry his deceased wife's sister, he would have asserted the lawfulness of such a marriage,) he is silent on the point. He there gives

it as his opinion that the prohibition refers to *marriage*, and not to polygamy.

Calvin refuses to be in the list with those who he believes misinterpret God's law. Hear his strong and decided language, as cited by Dr. Livingston, in his Dissertation, page 155: "It is sufficiently known in what degrees of *consanguinity*, God, in his law, forbids *marriage*. What relates to the degrees of *affinity* is equally obvious. There are some who dispute, or rather cavil, whether it is not lawful for a man to take the sister of his deceased wife; and they seize, as a pretext, upon the words, Levit. 18: 18., *during her lifetime*. But their error is refuted by the very words of that text; because, what is there condemned by Moses, is not for incest, but for cruelty to the wife. That text actually respects Polygamy."

Calvin is claimed by the *Puritan*, not only without proof, but against positive proof.

Selden is not found in the list on page 23; but, from various passages, it is evident the *Puritan* intends to claim alliance with this learned man, "who, as an oriental scholar," he says, "saw no superior." Hereafter we shall

notice quotations from *Selden*, but for the present we only remark, that, in page 20, first par. he represents him as expressing his *own* sentiments, when, in fact, he only recites, as a historian, the sentiments of the Jews, collected from Maimonides, &c.

Nothing produced by the *Puritan* is sufficient to authorize him to class *Selden* with those who vindicate the lawfulness of the marriage in question; nor have we seen any thing in his writings to justify it. One thing is plain, *Selden*, and the *Talmudists*, and the *Karaites*, and the *Hebrews* are all in direct opposition to the *Puritan's* doctrine, "that these statutes in Lev. xviii. *do not prohibit marriage at all.*" (P. 6, last par. of the chap.)

Selden was a lay-member of the Westminster Assembly, who formed the Confession of Faith that contains the article on the subject of marriage so much opposed at present. Had he believed it to be unscriptural, he would have opposed its adoption; but from the history of the labors of that venerable body, it does not appear that he made any opposition. To an article of the Church government, he did oppose himself. He

was an ERASTIAN: he believed and maintained that the Jewish Church had no government distinct from that of the State; and that, in a Christian country, the Church ought not to have a government distinct from that of the State. In support of his views he brought forth all the rich stores of his "Rabbinical lore." He was supported by the celebrated *Lightfoot* and other *Erastians*, and by all the *Independents* in the Assembly. But all in vain. He was met in debate by Gillespie, that noble young Scotch Commissioner, who, by "a speech of astonishing power and acuteness," overturned the foundation of his superstructure. "*Selden* himself is reported to have said, at its conclusion, 'That young man, by this single speech, has swept away the labors of ten years of my life.'"*

In regard to the Confession of Faith, "there prevailed," says this historian, "almost an entire and perfect harmony." Only two subjects excited difference of opinion among them: the doctrine of Election and Church government.†

* Hetherington's History of the West. Assem, pp. 173, 174.

† P. 242.

Chief Justice Vaughan, who lived in the reign of Charles II, is claimed as favoring the marriage under discussion. His influence, whatever it may be worth, (though even he regarded this law as referring to marriage,) is yielded. It may be proper, however, to let the reader see the grounds of his opinion. The case before him was the marriage of a man with his great-aunt. In deciding that case he gave his opinion incidentally of the lawfulness of the marriage of a man with his deceased wife's sister.

The grounds of his opinion are :

1. An assumption, *without proof*, that part of the law in Levit. xviii. is *judaical positive* law, and therefore not binding on Christians.

2. He affirms that such marriages were allowed by the Jewish "Forum" to be lawful.

3. He says, "The clearest way to understand any law is by what was the story and judgment of those people, and the times in which it was *practical*."

Here the Chief Justice overlooks the fact that the law, to which he refers, has been a *practical* law in every age of the Church since its enactment, and suffers himself to be guided by the

judgment of the Jewish people, in one of their most corrupt periods, at the distance of 1500 years from the first publication of the law by Moses.

4. He represents the judgment of the Scribes and Pharisees as being incomparably superior to that of the Karaites, and assigns as a proof, (referring to what our Saviour says of them,) "They had Moses' authority," Matt. 23 : 2— as if our blessed Lord intended, by his remark, that his disciples should place implicit reliance on the interpretation of the law by those teachers whom, in this very chapter, he upbraids as "blind leaders of the blind!"

5. Speaking of Acts 15 : 28, 29, 1 Cor. 10 : 27–32, he says, "These were not given as *precepts*, but as *counsels*." "Rom. 2 : 14," he says, "does clearly affirm that the law of Moses was not given to the Gentiles." Surprising! The apostle is speaking of the moral law, that law which was written on the hearts of the Gentiles; and the Chief Justice asserts, the apostle here teaches us that it was not given to the Gentiles! It had not been revealed to them as it had been revealed to the Jews; but, beyond

doubt, it had been given to them, for it was written on their hearts.

"And Rom. 3 : 2 shows," says the Judge, "that this law, called the Oracle of God, was committed to the Jews only." What an interpretation of Scripture! The *oracles* of God is the law!!

If the opinion delivered by the Chief Justice, from which these extracts have been taken, displays learning and legal acumen, the extracts speak little in favor of his acquaintance with the Scriptures and ability to interpret them.*

Grotius, we have seen, maintained the law in Levit. 18 : 6–18, to be, in all its parts, binding, by an express order of the Divine Will, not only on the Jews, but on all mankind; and had Chief Justice *Vaughan* followed him whom he styles, in his discussion, "*the greatest of human authorities*," he would have arrived at a very different opinion on this important subject.

With this opinion, delivered in the 22d year of Charles II, the reader may compare a recent opinion, delivered Feb. 1804, by *Sir William*

* See 2 Vent. pp. 16–22.

Scott, afterwards *Lord Stowell;* speaking of whom, Chancellor Kent says: "An incestuous connexion between an uncle and niece has been recently adjudged, by a *great master* of public and municipal law, to be a *nuisance* extremely offensive to the laws and manners of society, and tending to endless confusion, and the pollution of the sanctity of private life."*

Jeremy Taylor is placed in the *Puritan's* list, as pleading for the lawfulness of the marriage before us. We have already shown (p. 28) how our brother has misquoted this writer, and this led us to suspect he might be mistaken in classing him as he does. As the place is not cited, we were subjected to the trouble of several hours' search in his work to find the authority. The result of our labor is this: J. Taylor enumerates the following to be unlawful marriages:—

1. Between parents and children. They are unnatural. 2. Between brothers and sisters. They are incestuous, prohibited by positive law. "This discourse," he says, "is not intended so much as secretly to imply, that it can now at all

* Kent, 2 Com. p. 82.

be, or be made lawful, or is at any hand to be endured: for the marriage of brother and sister is against a *secondary* law of nature; that is, it stands next to the natural prohibition, and is against a natural reason, though not against a *prime natural law*." 3. Between a man and his father's wife. He regards it as unnatural. 4. Between uncles and nieces. Unlawful by positive precept. 5. He contends that the marriage of cousin-germans is lawful.

We could not find the place in which he pleads in favor of the marriage of a man with his deceased wife's sister.

"*Affinity*," he says, "makes conjunctions *equal* to those of consanguinity; and, therefore, thou must not uncover the nakedness which is thine in another person of blood or affinity, or else is thy father's or mother's, thy brother's or thy sister's, thy son's or thy daughter's nakedness. This is all that can be pretended to be forbidden by virtue of these words, *near of kin* or *the nearness of thy flesh*."*

Hooker and *Doddridge* are set down as plead-

* Ductor Dubitantium, pp. 225-231.

ing in favor of this marriage; but as no reference is given of the places where they have expressed their opinion, we have been unable to find them.

Of *Luther* and *Melancthon* we have already spoken. (P. 32.)

Chancellor Kent certainly has not "*pleaded* for the lawfulness of such marriages." In his Commentaries,* after naming N. Webster on the one side and Dr. Livingston on the other, he says, "It is not my object to meddle with that question; but such a marriage is clearly not incestuous or invalid by our *municipal* law."

Dr. J. P. Wilson has published no opinion on the subject. We knew him for many years, and never heard him utter his sentiments, nor did we ever hear that he had till we read the Puritan.

Judge Story, in his Conflict of Laws, says, Grotius "maintains, in *strong terms*, that there is no foundation for the prohibition;" and then quotes from the original Latin the following words as proof: "And by the most ancient canons, which are called *Apostolical*, he who married two sisters one after the other, or his

* Vol. ii. p. 85, note *a*.

niece, that is, his brother's or sister's daughter, was only incapacitated for the ministerial office."*

Now, let the reader look at this insulated quotation, and find, if he can, that Grotius even thought such marriages to be lawful. If they were lawful, why should any contracting them be rendered incapable of holding the ministerial office, and be punished for doing no wrong?

But, when it is considered that, in the very section from which the quotation is taken by *Judge Story*, and immediately preceding it, *Grotius* states the marriages of parents and children, and of brothers and sisters, to be so in violation of the law of nature as to be "*null and void*," "but that the case is not the same as to laws concerning other degrees, since they are rather made to prevent certain inconveniences than to direct men from a thing that is in itself dishonest;" and further, that he had, in his *preceding section*, (see above p. 36,) asserted that the prohibitions in Levit xviii., in *all* the degrees of affinity as well as of consanguinity, in the

* Note p. 105, 2d edition.

collateral line, are sanctioned "by an express order of the Divine Will"—an order obliging not only the Jews, "but all mankind"—is it not apparent that the learned Judge has really "no foundation" for his assertion?*

Now, in opposition to the *Puritan's* list of distinguished men "who have plead for the lawfulness of such marriages," (p. 23,) we place all the Reformers, the celebrated Divines of the Lutheran Church, the Synod of Dort, the National Synod of France, the Westminster Assembly, the Church of Scotland, the Church of England, &c. &c.

7. But all will not avail us. The unlawfulness of the marriage of a man with his deceased wife's sister, has a *Popish origin*, and the Protestant Church has not been able to free herself from the error to this day. (See the *Puritan*, p. 22, second paragraph and p. 23, first par.) *Grotius* states that *Primitive* Christians regarded the Levitical degrees as binding on the Church, (see above, p. 36, 37,) and the *Puritan*

* De Jure Belli et Pacis, lib. ii. chap. 5, § 13, 14. J. Barbeyrac's trans.

admits the marriage in question had been condemned by "the Council of Neo-Cæsarea, A. D 314, and that of Elvira, A. D. 305." But all this he sets aside by a sweeping remark: "Though it is true that Popery in *form* was not established so early, many of the corruptions of Popery came into being long before that." He then goes on and describes the corrupt state of the Church in *future* times, and thinks he has made out the impure origin of the prohibition.

His argument is—The Church of Rome, in subsequent periods, gave rise to unscriptural rules relating to marriage; therefore this prohibition was unscriptural, and derived its existence from Papal influence.

Let the *Unitarian* seize this weapon, and how would he use it in trying to demolish the glorious fabric of our common Christianity! Your doctrines of the Trinity, of the Godhead of Jesus Christ, of his vicarious atonement, of the personality and divinity of the Holy Spirit, are to be found, not in the Bible, but in Papal devices.

"But," says our brother, "the last fifty years have developed a great advance of the public

mind towards the truth." (P. 23.) And what was the state of the public mind fifty years ago? In the middle of the last century *Voltaire* and his impious associates formed their conspiracy against Christianity, and labored diligently, in their unholy vocation, to overturn the Church of Christ, and to bless the world with the reign of infidelity and Atheism. Their efforts were crowned with most alarming success. *Frederick* the Great of Prussia patronized Voltaire. Princes and crowned heads were poisoned with infidelity. The French Revolution burst forth like a terrible and destructive volcano. Infidelity became ascendant. Religion was laughed to scorn. The Sabbath was abolished. The goddess of reason was enthroned and worshipped. The baneful influence of infidelity and atheism was spread more or less over a large part of Europe. Nor did this country escape the miserable contagion. Such was the depressed state of religion and the prevalence of infidelity about fifty years ago, that a venerable Theological Professor advised his pupils (the writer heard him) to prepare their minds for a season of persecution.

Such was the *actual* state of Europe and of this country at the time when, the *Puritan* says, "a great advance of the public mind towards the truth was developed." Was it *truth* or was it *error*, towards which the advance was made? Certainly the state of things was not favorable to religious truth. While the public mind was thus shrouded with darkness, and the public eye shut against the light of divine revelation, the minds of men were not prepared for discerning religious duty, and enacting laws for protecting the sanctity of marriage, and securing domestic purity. The removal of restraints on sensual passions by human legislators, in such circumstances, a wise man would naturally look upon with a suspicious eye. Indeed, what the *Puritan* regards as a great advance of the public mind towards the truth, we regard as a retrograde movement towards error. And judging *merely* from the *actual* state of things when it commenced, we think there is better ground for our opinion, than the *actual* state of things in the early period of Christianity furnished our brother for his opinion about the *Popish origin* of the prohibition against which he contends.

Let it be also observed, that in this "advance towards the truth," the *State* has taken the lead. In former ages the *Church* went before the State. She received the law of her God on the subject of marriage; and from her example, and the light of Christianity which she diffused abroad, the laws of the Roman Empire derived such a salutary improvement in regard to this fundamental institution in human society. But now the *Puritan* would have the State to reform the Church. "In this country," he says, (p. 23,) "all the States but one allow of the marriage of a wife's sister. In the Protestant States of Europe, the case is similar. Throughout the whole of Prussia, Saxony, Hanover, Baden, Mecklenberg, Hamburg, Denmark, and most other Protestant States, such marriages may be contracted." Here is a *numerical* display.

It would require much labor to test fully the correctness of this statement. As it is unnecessary, we only remark, that, with the exception of Prussia and Denmark, the European States enumerated are small; that beyond this number we are unable to count more than four or five other Protestant States in Europe; and that

England, and Scotland, and Holland do not allow these marriages: yet the *Puritan* swells his enumeration by the additional clause, "*most other Protestant States of Europe!*" Judge Story has, in his Conflict of Laws, the same enumeration, and the same additional clause.* Probably our brother, copying from the Judge, was led into the mistake by his guide.

But whatever change has taken place in the laws of States in regard to marriage, no change is stated by the *Puritan* to have occurred in the laws of the Churches. If any have been made by the Churches of Germany we are not informed; and, when it is considered how those once flourishing Protestant Churches have been swept over by the blighting influence of infidelity; and how the pulpits, from which formerly was heard the pure and holy gospel of Jesus Christ, are now occupied by Errorists and Neologists, who mislead and deceive the people; who would be surprised to hear that a change in the *practice* of the Churches has occurred, as unscriptural and deleterious as what has occurred in the life-giving doctrines of divine revelation?

* Page 105, note, 2d edition.

CHAPTER III.

Consequences of the Puritan's principles.—Church destitute of a law of Incest.—Improbable.

THE design of the *Puritan* is to establish, and he thinks he has established, two points :—

I. *That the law of Levit.* xviii. *is* REPEALED, *and* NOT BINDING *on the Christian Church.*

II. *That it has no reference to* MARRIAGE.

To the establishment of the first point, the author's first chapter is devoted. Towards the close of the fifth page is this paragraph : " Besides, should we admit that there is, in *the law of nature*, a prohibition of the marriage of a wife's sister, that prohibition is, as we have shown, not in these texts themselves, but in them as authenticated by the law of nature. The prohibition comes in this form : 'Thus saith the Lord, speaking through the voice of

nature,' and not, 'Thus saith the Lord, speaking through a repealed code.' So that our opponents are, in truth, as much without scriptural prohibitions as we are."

The following quotation from the close of his first chapter (p. 6) is ample proof of the second point: "It will be shown in the sequel, that these statutes in Levit. xviii. *do not prohibit marriage at all.* And of course they do not prohibit marriage between brother and sister. So that, at any rate, the dreaded alternative must take its course. And these statutes, repealed or unrepealed, cannot help them to find an inspired and written prohibition against the marriage of a sister. The argument of our opponents is,—That if the marriage of a wife's sister is not prohibited to us, in this chapter, then the marriage of our sisters is nowhere prohibited in the Bible. And we answer,—If the marriage of our sisters is prohibited nowhere else, it is prohibited *nowhere in the Bible.* For it surely is not prohibited here, as we shall show. And we totally deny, that it is *self-evident* that such an express prohibition is, and must be, found in the Bible."

This is not the place to examine the soundness of the author's arguments. Our object is, at present, to let the reader see distinctly what the *Puritan* aims at establishing. Hereafter we hope to show the entire fallacy of the arguments on which he rests his cause. Yet the last sentence in the above quotation calls for a passing remark. Did the Puritan ever read, in any respectable writers, what he, by his strong denial, seems to impute to his opponents—that they assert it to be "*self-evident*, that an express prohibition is, and must be, found in the Bible?" We never heard such an assertion from any man. Why, then, has he so misrepresented the position we take? When we make such an assertion, and not before, will it be fair for him to come out with such an emphatic denial.

Now, let the reader search through the *Puritan's* pamphlet to find, if he can, where he shows, in God's inspired word, is contained a prohibition against the marriage of brother and sister. We cannot find it. He makes no attempt to discover such a prohibition. He only shows we are not destitute of scriptural intimation in regard to marriage: "We are not wholly with-

out scripture intimations of duty on this subject. Against the marriage of parents and children God's will is intimated, in that a man shall *leave* his father and mother when he cleaves to his wife." (P. 5.) Now, if the Puritan had informed his readers that this intimation is recorded by Moses in Gen. 2 : 24 ; that our Redeemer quoted it, in a conversation with the Pharisees ; and that it is recorded in the New Testament by Matthew, chap. 19 : 5, he would have furnished them with a proof from *Turrettin's* third test, (p. 4,) that this Levitical law is binding on Christians. But more of this hereafter.

It appears, then, that the *Puritan* thinks he has proved,

First, *that the law in Levit.* xviii. *is repealed, and is not binding on the Christian Church ;*

Secondly, *that it has no reference to marriage at all,* and DOES NOT PROHIBIT THE MARRIAGE OF BROTHERS AND SISTERS. Nor does he produce any scriptural prohibition against such marriages in the Old Testament.

What follows from these positions ?

1. If they be true it follows, as a necessary consequence, that the Church of God under the

Old Testament dispensation had no written law, except the intimation in Gen. 2 : 24, on the subject of *incestuous marriages;* but was left entirely to the light of nature on this most important part of moral duty, so intimately connected with domestic purity and sound morals in the community.

2. A second indubitable consequence is, that the Christian Church, at its first establishment, was destitute of any inspired written rule on this interesting subject; and that it now is, and ever has been, in this (as we feel disposed to term it) sad destitution.

Is this, we ask, probable? Is it probable the Church on which God has shed such light, by his written word, on every other point of doctrine and duty, has received none on this deeply interesting subject? Is she, in this particular, left in the same condition as the heathen, without any inspired written rule to mark the degrees in which marriage is not allowed? Can brothers and sisters now marry without violating any *written* law against such connexions? Now we do not say, what our brother imputes to us, "that it is *self-evident* that such an express pro-

hibition is, and must be, found in the Bible," (p. 6;) nor would we "say, *à priori*, that it conflicts with the wisdom of God to leave this circumstance of the divine ordinance of marriage to human legislation, just as he has left the regulation of most circumstances respecting the divine ordinance of government." (P. 5.)

But we may remark, the ordinance of marriage lies at the foundation of the ordinance of government; and laws enacted to guard the former against abuse and to protect from pollution this original fountain of morals, will most effectually secure good morals in the civil community. It is of the first importance to lay the foundation of a building well; and on this account every builder will pay to the foundation special attention, and guard it against every defect. Besides, when we recollect what particular instructions are given in the sacred Scriptures, in regard to the duties of kings, and rulers, and judges; in regard to the duties of subjects or citizens, not to resist government, but submit to authority and to pay taxes, and to pray "for kings and all in authority, that we may lead a quiet and peaceable life in godliness and hon-

esty;" and in regard to the duties of slaves and masters; it may be asked, what circumstances respecting the divine ordinance of government are left unnoticed, except the form of government, and the manner in which power is to be distributed; how the laws are to be framed, and what penalties are to be annexed to them? Has the supreme Lawgiver given such particular instruction in regard to his ordinance of government, and said no more, in his written word, on the subject of *incest* than may be gathered from his intimation in Gen. 2 : 24? Has He left the rest, so intimately connected with moral purity and human happiness, to the legislation of men apt to err under the influence of strong passions pleading for indulgence, and guided by reason, where it is so incompetent to lead? The exact boundaries in this matter human reason cannot determine. He who formed man, instituted marriage for the propagation of our race, and constituted the nature of things; He alone has knowledge and wisdom sufficient to determine the limits of marriage.

It is not for us to determine *à priori* what Infinite Wisdom ought to do; but when we know

what God has taught on one important subject, we may humbly and reverently infer He has not left us without instruction, on a kindred subject of similar importance to our purity and happiness. Look at the moral law. Mankind were not wholly ignorant of their duty. The inspired writer says, (Rom. 2: 14, 15,) "For when the Gentiles, which have not the law, do by nature the things contained in the law, these having not the law, are a law unto themselves; which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing, or else excusing one another." It appears, then, from the testimony of Paul, that the Gentile nations, while destitute of divine revelation, were acquainted with the great principles of the moral law; their moral sense and reason taught them, in some measure, the duties it required. But God did not leave his people to those imperfect sources of instruction. They needed greater light and more perfect instruction; and, in infinite mercy, He was pleased to impart what they needed. From the summit of Mount Sinai, the glorious Lawgiver proclaimed, in circum-

stances of awful grandeur, the ten commandments, and afterwards engraved them on two tables of stone; and thus furnished them with a complete written summary of moral duties, in all their branches. Nor did his kindness here cease. Many inspired teachers were, in successive ages, raised up to explain and unfold the duties so comprehensively set forth in the ten commandments; till his own Son came, and his inspired apostles, who threw additional light on the moral law, and explained it in all its spiritual and extensive meaning.

Now, when all this is duly considered, does it appear probable that God has left the subject of incest, a branch of moral duty so important, in that imperfect state of instruction in which the *Puritan* has placed it? There is no presumption in this question. We only infer, from what God has done for his Church in one particular, what He has probably done for her in another. From the light which He has shed upon the moral law, we are led to believe He has not withheld proportional light on the law of *Incest*. By this we do not determine what Infinite Wisdom *ought* to communicate to his Church.

Can the *Puritan*, then, be right in the conclusions to which he has come? Is it credible, that the instructions given in the Bible on the subject of incest are so imperfect? Has God imparted to His Church scarce a single additional ray to the light of nature, and left it to human legislation to determine the limits within which it is unlawful to contract marriage? Is (we repeat the question) this credible?

In the sequel we hope to be able to show the reasoning of this writer to be entirely fallacious, on the leading points which he has established.

We believe that God has given to his Church a law of incest and marriage, and that this law is found recorded in Levit. 18: 6–18. It can, we think, be proved that this law is a *permanent ecclesiastical* law, neither civil or judicial, nor repealed;—that it refers to marriage and prescribes its limits;—and that it is *one* law, and a *natural* law. If we shall succeed in establishing all these points, the way will be prepared for proving the particular marriage under discussion to be unlawful.

CHAPTER IV.

Perpetuity of the Levitical law.—Proofs.—Puritan's argument.—His guide.—Criterion not rightly applied.—Turrettin.—Quotation from Chancellor Kent.—Quotations from Puffendorf.—From Selden and Grotius.

Before we enter on the argument, it may be proper to notice two things in the *Puritan*.

1. "We profess," he says, (p. 3,) "to present, with such brevity and clearness as we are able, the reasons which have convinced us that such marriages are prohibited by the law of God. The argument brought against them from Scripture is contained in a *nut-shell*, and is easily sifted."

Allow our brother the privilege of framing for us the argument, and he may bring it within so small a compass. We prefer framing it ourselves. Two things are plain: 1. His argument in refuting it, spread as it is, with that of

his allies, over *thirty-two closely* printed *octavo* pages, has not been inclosed in a nut-shell. 2. Our argument, designed to refute his, cannot, if we have to follow him in all its windings, be brought within such narrow limits.

He also says, immediately after the quotation above, "The whole stress of that argument is laid on two passages, which are supposed to forbid the marriage of a brother's widow, and thus to imply the prohibition in question—Lev. 18: 16, and 20: 21." Here he is mistaken. We do not choose to place our fabric on a part of the foundation, when we have the whole ample and firm for its support. He may wish it there; but we rest our argument on the whole of Lev. xviii. from the first to the eighteenth verse inclusive.

2. The reason for enacting these statutes assigned by the *Puritan* appears to us *fanciful.* (See p. 11.) We are unable to see how the Israelites were more exposed to commit lewdness by incestuous commerce with their *mothers*, or *sisters*, or *aunts*, while sojourning in tents in the wilderness, than when settled in comfortable houses in the promised land. The necessary secresy for the perpetration of such vile acts of

iniquity could, it seems to us, be found in houses more easily than in tents. We cannot see how these statutes "were especially suited to the peculiar sojourn in the desert." Has the writer forgotten the light thrown upon the camp of Israel, by the pillar of fire by night? By this miraculous provision the whole camp was illuminated every night. It was never withdrawn, during Israel's sojourn in the wilderness. See Ex. 13 : 21, 22, and chap. 40 : 38.

Our final remark on the reason assigned for the enactment of these statutes is this: we are surprised he should compare statutes prohibiting criminal and incestuous acts with the statutes in Deut. 23 : 13, &c.

We now enter on the argument to prove the *perpetuity* of these Levitical statutes.

That they are the law of the supreme Lawgiver is not questioned. He gave them by the hand of his servant Moses to his chosen people, as a rule, in the opinion of multitudes of learned men, prescribing degrees of lawful marriage, or, as the Puritan affirms, as a rule to prohibit the commission of "single acts of an *incestuous* character." (P. 11.) Which is correct? What

is the nature of this law? Is it ceremonial or moral? Manifestly there is in it nothing of a ceremonial kind. Whichever of the two interpretations be correct, it is *moral*—designed to regulate the conduct of rational creatures, to direct the intercourse of near relations, and prevent their sinning against their Creator.

Is this law permanent or temporary? Was it intended for the Church in all ages, or only while she remained under the Jewish economy? Why should it be limited to one period? Do not Christians need a directory for marriage, as well as the Israelites? Or, if it be regarded as not pertaining to marriage, but only as forbidding single incestuous acts, must not the prohibitions extend to them? None will plead for liberty to practise the lewdness contemplated in these prohibitory statutes.

In support of the perpetuity of this divine law we might argue from what is said by the Lawgiver in the preface: "Speak unto the children of Israel, and say unto them, I am the LORD your God. After the doings of the land of Egypt, wherein ye dwelt, shall ye not do: and after the doings of the land of Canaan, whither

I bring you, shall ye not do: neither shall ye walk in their ordinances. Ye shall do my judgments, and keep mine ordinances, to walk therein: I am the LORD your God. Ye shall therefore keep my statutes and my judgments; which if a man do, he shall *live* in them. I am the LORD." How emphatic and solemn the introduction! Was it not designed to call up the attention of Israel to something important and permanent? If the whole of what followed had been of a ceremonial or temporary character, would it have been introduced by language so impressive and august?

We may reason, too, in favor of the perpetuity of this law, (as *Grotius*, and many before and after him, have,) from the language of the great Lawgiver subsequent to the publication of it: "Defile not yourselves in any of these things: for in all these the nations are defiled, which I cast out before you: and the land is defiled: therefore I do visit the iniquity thereof upon it; and the land itself vomiteth out her inhabitants. Ye shall therefore keep my statutes and my judgments, and shall not commit any of these abominations; neither any of your own nation,

nor any stranger that sojourneth with you: (for all these abominations have the men of the land done, which were before you; and the land is defiled;) that the land spue you not out also, when ye defile it, as it spued out the nations that were before you. For whosoever shall commit any of these abominations, even the souls that commit them shall be cut off from among their people. Therefore shall ye keep mine ordinances, that ye commit not any of these abominable customs, *which were committed before you*, and that ye defile not yourselves therein: I am the LORD your God."

Here the Canaanites are charged with the guilt of violating the duties enjoined by these statutes. It follows, of course, the observance of them must have been obligatory on them; and if they were bound by them, how can we be free from their obligation?

It is unnecessary to inquire how far the Canaanites were guilty. It is certain they were guilty, and grossly guilty; for God has asserted it in strong and emphatic terms. They may have had more traditionary knowledge than we are aware of. Judah, who lived before the time

of Moses, seems to have been acquainted with the obligation of a brother raising up seed to his brother, by marrying his widow, (Gen. 38: 6–11,) and with the punishment to be inflicted on whoredom. (Gen. 28: 24–26.) Some of the sins of the Canaanites may have been sins of ignorance, while others were wilful violations of known duty.

But the *Puritan* insists that this law is not permanent; and to establish his position he argues, on two grounds, that this law belongs to the civil or judicial code, and that it has been repealed. The whole of his argument is based on a *petitio principii;* it is a *mere begging* of the question in debate. We contend, and design to prove it, that this law does not belong to the civil or judicial code. He affirms it does; and, without offering any proof, assumes it as true, and makes this assumption the basis of his whole argument: "The statutes in question (p. 4, the 2d paragraph) belong to the civil or judicial law of the Hebrew Commonwealth." Let us allow his assumption for the present, and test the correctness of his reasoning.

Having admitted that some principles of this

code are still binding, while others are not, he observes, "What we want, then, is some plain criterion, by which we may distinguish those which are of permanent and universal obligation, from those which are not." (P. 4, third parag.) Distrusting himself in this delicate matter, the *Puritan* determined to avail himself of the guidance and aid of that justly celebrated theologian, F. Turrettin. Had he faithfully followed his own chosen guide, and correctly applied the criterion proposed by him, for discovering what principles are of permanent obligation, and what are not, in the civil code of the Hebrew people, he would have arrived at a different conclusion. But he has failed to do so.

To illustrate this, we make the following remarks:

1. Turrettin does not place these statutes in the *municipal* code of the Hebrew commonwealth. *Incest* he would define to be a violation of God's moral law. He justly enumerates it among the sins against the seventh commandment in the Decalogue.* Now, let it be recol-

* Tur. vol. ii. p. 133.

lected that the *Puritan*, speaking of these statutes, says, (p. 11,) "We undertand them to forbid single acts of an *incestuous* character."

2. The *Puritan* does not apply the *first criterion*, as his guide would have applied it; for, in seeking for something among the Gentiles to meet its requirements, he supposes he must find some law on the subject. "And here, if any where in the Gentile world," he says, (p. 4, last paragraph but one,) "we should expect to find some traces of natural law touching the marriage institution. But Rome, in the purest periods of her history, had no law forbidding the marriages in question." Turrettin, in inquiring whether any law was founded in *nature*, would not search only for some written law among the nations, but would also examine the writings of moralists and philosophers to find out their sentiments, and discover the dictates of natural conscience.*

There he gives pertinent quotations from *Cicero* on the subject. There he says, that the impious laws of some heathen nations in oppo-

* Tur. vol. ii. p. 67.

sition to natural law, such as sanctioned idolatry and human sacrifices, and permitted theft, rapine, homicide, *incest*, &c., did not prove that no light of reason had been granted by *nature* to men, as *Selden* improperly concludes; but only that idle, wicked men, by abusing their light, struggling against it, and endeavoring, as far as they were able, to extinguish it, had been abandoned to a *reprobate sense.*

3. The *Puritan's* translation of Turrettin's *first* criterion is not correct. He has left out a material word; for the original is not, "following the light of reason," but the light of RIGHT reason.*

4. The search of our brother to find something among the laws of Gentile nations "touching the marriage institution," has been very defective, as will appear from the following quotations:

"Prohibitions similar to the canonical disabilities of the English ecclesiastical law," says Chancellor Kent, "were contained in the Jewish laws, from which the canon law was, in this

* Tur. vol. ii. p. 183.

respect, deduced; and they existed in the laws and usages of the *Greeks* and *Romans*, subject to considerable alternations of opinions, and with various modifications and extent. These regulations, as far at least as they prohibit marriages among near relations, by blood or *marriage*, (for the canon and common laws made *no distinction* on this point, between connexions by *consanguinity* and *affinity*,) are evidently founded in the LAW OF NATURE; and incestuous marriages have generally (but with some strange exceptions at Athens) been regarded with abhorrence by the soundest writers and most polished states of *antiquity*. Under the influence of *Christianity*, a purer taste and stricter doctrine have been inculcated; and an incestuous connexion between an uncle and niece, has been recently adjudged, by a *great master* of public and municipal law, to be a nuisance extremely offensive to the laws and manners of society, and tending to endless confusion, and the pollution of the sanctity of private life."*

* See *Kent's* Com., vol. ii. p. 82. See also his authorities, *Selden's* Uxor. Ebr. &c.

The celebrated *Baron Puffendorf*, in his work on *the law of* NATURE *and* NATIONS, has treated the subject of marriage with great ability. From that work we give the following quotations: "Among the OLD *Peruvians* the *Yncas* alone were permitted to marry their sisters, and all other men forbidden to take the same liberty. On the other hand, the *Romans* abhorred this practice as most odious and unnatural. *Plutarch*, giving the reason why the women, in that nation, saluted their relations with a kiss, hath left this remark: When the LAWS *had prohibited the marriage of near relations*, they yet allowed them to proceed to this innocent expression of love; and this became a mutual pledge and mark of their alliance. For, in *ancient times*, the ROMANS abstained from wedding their kinswomen in any degree of blood, as they at present forbear their *aunts* and their sisters. It was *late* before the marriage of *cousin-germans* was dispensed with."* Let the reader compare this testimony of Plutarch with the quotation given above from the *Puritan* in regard

* Puffendorff, p. 594.

to "Rome in the purest periods of her history."

In the same paragraph (p. 4) the *Puritan* says, "The Egyptians, Persians, Macedonians, and Athenians allowed the marriage of own sisters, and would not, of course, scruple *such alliances*." Let this be compared with what *Puffendorf* has written on the page noted above: "The Athenians, by the CONSTITUTION of *Solon*, might marry their sisters by the *father's side, and not by the mother's*." From the oration of *Andocides* against *Alcibiades*, he quotes these words: "Reflect," says he, "with what bravery and what wisdom they proceeded, when they sent so great a man as *Cimon* into banishment for violating THE LAWS *in taking his own sister to bed*."

Others of the ancients declared an absolute dislike of this freedom. It is one of *Phocylides's* precepts,

"*Nor climb thy sister's interdicted bed.*"

And indeed that these *matches* were very unusual through ALL *Greece*, may be gathered from *Hermione's* speech in *Euripides*, where she thus upbraids *Andromache:*

"Thus the barbarians with *incestuous* love,
Fathers their daughters, sons their mothers *wed*,
Brothers their sisters; and *no law* restrains
Their *sinful passion*."——

Or if they were once permitted in *Greece*, it is certain they grew entirely out of use with posterity, as that passage of *Sextus Empiricus* sufficiently proves: "*The* EGYPTIANS *contracted marriage with their sisters*, which, amongst us, is *disallowed* BY LAW." The same author says, in another place, "*In our country we esteem it contrary to all* RIGHT *and decency to make a* WIFE *of a mother or of a sister.*" Yet he chargeth both those practices on the *Persians*; as do also *Strabo*, *Laertius*, *Curtius*, and *Lucian*. Though the answer given by the Judges to *Cambyses* in Herodotus, plainly shows that the wise men, even in the *Persian* nation, were of a very different opinion.

Puffendorf, it is hardly necessary to state, refers to all his authorities, so that his readers can easily examine for themselves.

We have seen, that, among other prohibitions of the *ancient* Romans, was the marriage of an *aunt*; and that, by prohibiting that of *cousin-germans*, they went even beyond the Levitical law.

Selden confirms what *Puffendorf* states: "Sed in Roma veteri etiam Patruelium, Amitinorum, seu consobrinorum nuptiæ nunc vetita fuere, nunc permissæ."*

Grotius, in p. 200, (translation,) quotes Tacitus: "To marry *wives* is *to us entirely new*, but very common with other people; nor is it by any law prohibited, says Tacitus." Tac. lib. xii. chap. 6.

In view of these quotations, what are we to think of the *Puritan's* round and bold assertion: "We look in vain through the Gentile world, for *any traces* of evidence that this law is one of those principles of general equity, which is taught by the light of nature. So the first criterion fails of bringing its obligation on us." (P. 4.) Had he extended his inquiries and searched more diligently, he might have found the above "*traces of evidence*," and many more "traces of natural law, touching the *marriage institution*." His look into the Gentile world was manifestly limited and confined. If he will examine *Grotius*, and *Selden*, and *Puffendorf*, &c., he will be convinced of his error.

* De Jure Nat. et Gent. lib. v. chap. 11.

CHAPTER V.

The same subject continued—First criterion—Third criterion—Second criterion.

5. The *first criterion*, reasoning on the *Puritan's* own principles, does not fail. It stands firm. Indeed he virtually yields the point in debate, where he says, (p 6,) "The voice of *nature* teaches that such marriages are NOW to be reprobated—that there are reasons why they should be forbidden by the laws of the land, on grounds of high expediency." Again, on the same page, he says, "We, having the light of inspiration to read the book of nature with, find no difficulty in reading out of the book of nature a law against such marriages."

When, we ask, was this law enacted? when inscribed in the book of nature? The light of inspiration was imparted as soon as Moses began to write the Levitical law, and before his

time. But the *Puritan* perhaps will say, he means the light which the Scriptures of the New Testament have shed upon the book of nature. Well, they were bestowed on the Church at the beginning of the Christian era; and could not primitive Christians use their light in reading the book of NATURE, and read out of it the law against these marriages? But popery was then developing itself, and darkening the pages of inspiration and of nature. If so, we ask again, when was this law enacted and written in the book of nature? Was it since the Protestant Church arose? But why these questions? If this law exists now, it existed ever since men had multiplied on the earth, and part of it from the beginning of the world. If men had not eyes to read it in the book of nature, still it was written there; and if they were ignorant of the law of nature, still that law of nature had existence. It was enacted by the God of nature for the government of his rational creatures. Were all men blind, that calamity would not extinguish the sun's rays of light. He would go forth still, like a bridegroom from his chamber, and shine in all his brightness in the heavens.

6. This law, then, which the *Puritan* reads out of the *book of* NATURE, must, on his own admission, be a *natural* law, obligatory on all mankind, whether they know it or not. "The voice of nature," he says, "teaches that such marriages are *now* to be reprobated." Yes, and we have seen that the voice of nature was heard in ancient times, and that they were reprobated not only by the writings of their philosophers, but by the laws of nations.

But the *Puritan* will perhaps say, I was speaking of "the marriage of one's own sister." Be it so; and does not "the voice of nature teach" that the marriage of a man with his *mother*, or with his *aunt*, or with his *son's daughter*, or with his *daughter's daughter*, is now to be reprobated; and that there are reasons why such marriages should be forbidden by the laws of the land, "on grounds of high expediency?" Assisted by "the light of inspiration," can you find any difficulty in reading out of the book of nature a law against such marriages? Are not these marriages part of *one* law, recorded in Leviticus 18: vs. 6–17? and

if part of this law is NATURAL, is not the WHOLE *law, on the same subject,* NATURAL?

7. "The *third criterion*, to wit, the repetition and renewal of the law," says our brother, (p. 4, at the beginning of the last paragraph,) "in the New Testament, equally fails. It is not pretended that the New Testament is any thing more than silent on the subject." Indeed! The New Testament silent on such breaches of the law of nature designed to protect domestic purity and public morals! What indignant language does Paul use, in 1 Cor. 5 : 1–5, in relation to the abominable fornication of the Corinthian, who had taken his father's wife to live with her in incestuous intercourse! What was the decree of the Assembly at Jerusalem for the direction of Gentile churches in regard to *fornication?* See Acts 15 : 28, 29. What says Paul, in 1 Cor. 6 : 9, 10? what denunciation does he utter against *fornicators* and *adulterers?*

But it may be objected, these texts do not treat of marriage. Admitted; but they condemn the very sins prohibited by the Levitical code; they condemn all acts of uncleanness, the very

sins that violate that natural law, which the *Puritan* reads out of the book of nature, and which no ceremony of marriage can cleanse from guilt or render lawful.

8. If we reason on the ground, subsequently assumed, in chap. iii., that these Levitical statutes do not relate to marriage, but only forbid "single acts of an *incestuous* character," (p. 11, fourth paragraph,) we must come to the same result. "Having the light of inspiration to read the book of nature with," can we find any "difficulty in reading out of the book of nature a law against" the lewd, incestuous sin of defiling a father's bed, or having criminal intercourse with a sister, or an aunt, or a son's daughter, or a daughter's daughter, or a brother's wife? Does not the voice of nature reprobate such acts of uncleanness? And is not the law which *nature* has enacted against such abominable crimes, a NATURAL law?

9. Nor does the *second criterion* fail. "Those laws which are seen to conform to the precepts of the Decalogue, and serve to explain and confirm it."

Here we are constrained to notice another in-

stance in which the *Puritan* does not follow his *chosen* guide; for he has left out an important part of *Turrettin's criterion;* which shows his meaning in the text. Immediately after the above translation must be added these words: "Which is easily discovered, if either the *object*, or the *matter* of the laws, or the *causes* of enacting them, be regarded." This seems to us like the offering of a lamp to throw light upon our path; and not to attend to this part of the criterion, looks like refusing the proffered aid of our guide.

But to apply the test to the case before us Call the Levitical statutes what you please, natural, moral, or civil, we ask, What is their *object?* Domestic purity and sound morals in the community. And is not this the object of the *seventh* commandment in the Decalogue? What is the *matter* of these statutes? They prohibit all uncleanness, all incestuous acts, all illicit intercourse between near relations; and does not the *seventh* commandment prohibit the same? What were the *causes* or *reason* of the enactment of these statutes? To furnish the Israelites with a clear knowledge of the Divine will,

and to guard them against the temptations to which they were exposed, not only "during their sojourn in the desert," but when they were settled in the promised land. And was not the *seventh* commandment published for the same reason?

It appears then to us, that these statutes, this law of Leviticus, is implied in the Decalogue; and that it confirms the same prohibitions which the seventh commandment, when rightly understood, contains. How comprehensive it is, was taught by our great and supreme Lawgiver, when he uttered these words: "Ye have heard that it was said by them of old time, Thou shalt not commit adultery: but I say unto you, That whosoever looketh on a woman to lust after her, hath committed adultery already with her in his heart." Matt. 5: 27, 28.

But, says the *Puritan*, "There is not there" (in the Decalogue) "the least intimation of any defined boundaries to the liberty of marriage." (Page 5, first line.) We reply: If God has, in these Levitical statutes, defined these boundaries, as we hope hereafter to prove, then it will follow, that to contract such prohibited mar-

riages, is to be guilty of uncleanness, of incestuous intercourse, which can never be changed in their character by any ceremony of marriage. Marriage, in whatever way contracted, cannot hide their vileness, nor render such illicit commerce between the sexes as comes within the limits set to our liberty, *honorable*. It is vile, odious in the sight of God, though covered by the mantle of marriage. It is like whited sepulchres, "beautiful outward, but within full of dead men's bones, and of all uncleanness." Such lewd acts, such vile, illicit intercourse, is certainly prohibited by the Decalogue.

We close this chapter by adverting again to a passage before quoted. If we understand his meaning, he deems it necessary, to sustain the perpetuity of the prohibition against the marriage of a deceased wife's sister, that we should find a similar law among heathen nations.

Was this a correct way of treating this important subject? When we have an inspired law, consisting of sundry statutes of the *same nature*, are we to try each particular part of this Divine law, by the laws of heathen nations; and, if we are unable to find a particular part

sustained by a similar statute in their codes on the general subject, are we to expunge it from the inspired code? Shall we say, This statute, enacted by infinite wisdom, which perfectly knows the nature of man, and all his relations, and how to promote the purity of domestic life, as well as good morals in the community, cannot bind us, because it has not received the sanction of heathen legislators, who had no better guide than natural reason, unaided by divine revelation, and darkened and misled by corrupt and sensual passions? Are the laws of men to sit in judgment on the laws of God? Were all the precepts in the Decalogue to be tried in this way, how many would be expunged? Would not the *Puritan* "look in vain through the Gentile world," for a law to sanction the *fourth* commandment, a law requiring the sanctification of the Sabbath? Would he not look in vain for a law to sustain the *second* commandment, which prohibits the worship of God by images? Would he not look in vain through the whole heathen world for a law asserting the *Unity* of God, and forbidding men to worship more gods than the one only living and true God? In the absence

of such laws, have we not sufficient evidence to convince us, that the *substance* of the Decalogue was written on the hearts of Pagan nations, and that their wise men knew God, but not wishing "to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not convenient?"

And in the absence of a law prohibiting a man marrying a deceased wife's sister, is not the existence of laws and the prevalence of customs, which have the force of laws, restraining the liberty of marriage within particular degrees, and going beyond the Divine law, sufficient to convince us, that the *light of nature* did teach heathen nations to impose such restrictions on marriage, for the preservation of purity in domestic, and of good morals in civil, life? Now, if our brother had treated the subject in this reasonable way, and extended his search, he would have found, as we have already shown, (pp. 72–79,) what were the laws and sentiments of the wise among heathen nations of antiquity, and would have come to a very different conclusion. In ascertaining the *limits* of duty on any particular subject of moral or natural obligation,

we are not to be guided by the imperfect light of unassisted reason, but by the light of reason, aided by the light of Divine inspiration. Our brother, the *Puritan*, has reversed the rule.

CHAPTER VI.

The Levitical Statutes belong not to the Civil but to the Ecclesiastical Law—Unity of the Church—The Law not Repealed—Jewish Code.

The Hebrews were both a *Church* and a *Nation*. Jehovah sustained to them a twofold relation. He was the nation's king, and the church's covenant God. In legislating for this peculiar people, He acted in correspondence with this twofold relation. As their king, he gave laws to the nation; and as their covenant God, He gave laws to His Church.

Now, the question in reference to the law under consideration is, which character did Jehovah assume, and in which aspect did He regard the Hebrews when it was published? Did He enact it as their king, or as their covenant God? Was it designed to promote the peace and order of the commonwealth, or to

preserve the purity of the Church; and thus, by sanctifying His people, prepare them both for their duties on earth and for their enjoyments in heaven?

Look at the law. What is its nature? We have seen, that, whether it be regarded as prescribing degrees of marriage, or as forbidding "single acts of an *incestuous* character," it is a *moral* law, demanding a chaste and holy conduct.

The *Puritan*, in his first chapter, assumes, without offering any proof in support of his assumption, that "the statutes in question belong to the civil or judicial law of the Hebrew Commonwealth;" and then, on the supposition of their referring to marriage, (which we hope in a subsequent place to prove to be a fact,) he reasons and endeavours to evince that they do not pertain to us. In this he has failed. It has, we think, been shown that the criterion he applies to them, considered as a civil law, instead of proving what he aims at, proves the contrary, that they do, on his own admissions, pertain to us, and are permanently binding.

Marriage is regarded by many as a mere civil contract. From its nature it does, indeed, claim

the supervision of municipal authority, to protect the rights, and to enforce the duties, growing out of this peculiar relation. But it is much more than a civil contract. It lies at the *very foundation* of society : it is the *parent* of the state. It received its existence from the Creator; it is his institution, and designed by Him for the propagation, preservation, and happiness of our race. He originally instituted marriage to be between one man and one woman, on purpose, the prophet tells us, " that He might seek a *godly* seed." (Mal. 2 : 15.) It was not the mere temporal advantage of our race He had in view. He looked beyond mere earthly benefits; He regarded our holiness and meetness for a heavenly state of enjoyment. And will He not protect this institution against abuse? Surely He will. The *seventh* commandment in the Decalogue is one defence, and these Levitical statutes we believe to be another. Such they evidently are, even on the supposition that they refer to " single acts of an *incestuous* character;" for this view of their design brings them, as observed before, within the purview of the *seventh* commandment.

In truth, they constitute a law given to the

Church, to preserve the purity of all her members. They were made, by the express words of the enactment, binding not only on native members, but on all foreigners who might become adopted members of the Church. See Lev. 18 : 26.

Our brethren who range these statutes under the civil code, are misled by confounding the *eighteenth* with the *twentieth* chapter of Leviticus, and by not distinguishing between the *law itself* and its *penalties*. The eighteenth chapter is entirely distinct from the seventeenth, which goes before it, and the nineteenth and the twentieth, that follow it : for each of these chapters begins with these words, " And the Lord spake unto Moses, saying," to show that each chapter contains a distinct communication to Moses to be delivered to the children of Israel. The eighteenth contains nothing of a ceremonial nature. All is moral, not excepting the 19th verse. See chap. 20 : 18.

The statutes appear, in the *eighteenth* chapter, as the *ecclesiastical* law, enforced by an appropriate *spiritual* penalty ; and, in the twentieth chapter, some of the statutes are referred to, and

enforced by the penalty of death to be inflicted by the civil magistrate. This penalty belongs to the civil code; but the law itself belongs to the ecclesiastical code.

The *Puritan* mistakes the nature of the threatening in Lev. 18: 29; he takes it to be capital punishment—(p. 20, fifth par.) Gesenius confirms him in his opinion. Both are, in our judgment, in error. It is the same penalty that enforces compliance with the rite of circumcision, appointed as a seal of the covenant made with the father of the faithful. "My covenant shall be in your flesh for an everlasting covenant. And the uncircumcised man-child, whose flesh of his foreskin is not circumcised, *that soul shall be cut off from his people;* he hath broken my covenant." (Gen. 17: 13, 14.) This did not mean capital punishment, inflicted by the magistrate's hand, but exclusion from the Church, and deprivation of the blessings of the covenant. The text, Exod. 31: 14, speaks of two distinct kinds of punishment. The latter does not, as the *Puritan* supposes, define the former.

Besides, let it be remembered, the punishment does not always determine the nature of the law.

A judicial sentence, to be executed by the civil magistrate, is often annexed to a law that is natural and moral. Idolatry, the breach of the Sabbath, adultery, were all made capital offences; the offender was to be punished with death by the magistrate. If, therefore, any one will insist that some of these Levitical statutes belonged to the civil code, because offences against them were punishable with death, he must, to be consistent, carry out his argument and prove, for the same reason, that the *first*, the *third*, the *fourth*, the *fifth*, the *seventh* precept, in the Decalogue, belonged to the Jewish *civil* or *judicial* code; for the violation of these was made punishable with death by the civil magistrate. See Deut. 13 : 6–11, 17 : 2–7. Lev. 24 : 16. Exod. 35 : 2. Lev. 20 : 9, 10.

This Levitical law has not been repealed. It was given to the Hebrew Church, and it is now the law of the Christian Church.

The Church of God is ONE society in every age. It has existed in different periods of time, and under different dispensations. Still, however, it is *one* and the *same* society, which Jehovah has chosen out of the world, and separated from the rest of mankind, to the praise of

the glory of his rich and sovereign grace. The Jewish Church and the Christian Church were, in many particulars, as parts of the same whole, different from each other: but they were, in all essential points, one and the same society; having the same glorious Head, governed by the same laws, favored with the same gospel, animated by the same Holy Spirit, cheered by the same blessed hope, and destined to the same heavenly happiness and eternal glory.

The Christian Church flourishes under the same gracious covenant by which the Jewish Church was formed. In that covenant, Abraham was constituted the father of the faithful; and circumcision, the seal of that covenant, was appointed to assure him that he was justified by "the righteousness of faith," and that believers, whether his natural descendants, or his adopted seed, would be justified by the same glorious righteousness. Rom. 4: 9–17. Hence believers are "Abraham's seed, and heirs according to the promise." Gal. 3: 29. The unity of the Church Paul illustrates, by comparing it to a tree, of which the Jews were the natural branches, but broken off on account of their unbelief; and into which Gentile believers, taken from a wild olive

tree, were grafted. When the Jews shall be converted and believe in Christ, they will, as "*natural* branches, be grafted into *their* own olive tree." Rom. 11 : 17–24. They will become members of the same church, adorned with greater light and enriched with greater privileges, from which, for the sin of unbelief, they have been expelled.

Now, this *one* Church of God is governed by all the laws that were ever given to it, excepting those which have been abolished by the Supreme authority that enacted them. It will not answer to assert, This and that law have been repealed; or, by a general remark, to sweep away a whole code of laws. It must be shown, from Scripture testimony, what laws the great Head of the Church has abolished.

We admit the ceremonial law of Moses to have been annulled; because prophetic intimation had been given that its authority would cease, and because the inspired writer of the epistle to the Hebrews has asserted and proved the fact. We admit, also, that what belonged *purely* to the Jewish civil or judicial code, does not bind Christians, unless it have been adopted as part

of the municipal code of the country or state in which they live. But these statutes of which we speak are binding on all Christians, whether adopted or not as the municipal law of the land in which they live; because they were given to the Church, and have not been repealed.

The *Puritan* thinks differently. Let us hear him. Page 5, second paragraph, he speaks thus: "As this is an important point, let us be well understood. As the Jewish code, *as a code*, expired by its own limitations, at the coming of Christ, NONE of its precepts have any force, *derived from the circumstance that they stand in that code.* The force which any of its precepts has, comes from the inherent justice and adaptedness seen to reside in those precepts."

Let us examine this passage. *Jeremy Taylor*, whom the *Puritan* brings forward as advocating his cause, but without sufficient reason, would condemn such language. He, speaking of the marriage of a man with his mother, in his Ductor Dubitantium, (p. 223,) says, after showing it to be contrary to nature, "But all this was not sufficient to make it to become a *natural law*, without the authority of God intervening. This

made it to be excellently reasonable to be established into a law; and, therefore, God did so, and declared it, and did not trust man's reason alone with the conduct of it; but then it became an eternal law, when God made it so."

What was the *Jewish code?* What did it comprehend? Only the ceremonial law? or only the civil law? or only the moral law? An answer to these questions is, we think, given by our brother, when he says, (p. 4,) "And here we shall assume no *ultra ground* respecting our relations to the civil law of the Hebrew commonwealth. The books of Moses contain, it is well known, a moral law, summed up in the ten commandments, and a ceremonial law, which regulated the ceremonies and types of the Hebrew church, and a civil or judicial law, which preserved the peace of the commonwealth." Now, let it be remembered that all these laws, distributed by the *Puritan* into three classes, Jehovah, our Supreme Lawgiver, gave, by his servant Moses, to his ancient people, denominated, at one time, *Hebrews*, and at another, *Jews*. All were written by Moses in his five books. *They* constituted the *Jewish code;* not the moral law alone, nor the ceremo-

nial law alone, nor the civil or judicial law alone; but all combined together constituted that *code*, of which each was a constituent part.

Has this Jewish code, as *a code*, as a whole, "expired, by its own limitations, at the coming of Christ"? Where are those limitations marked or recorded? Nowhere. Or can it be, with propriety, said, as it is said by the *Puritan*, that "*none* of its precepts have any force *derived from the circumstance that they stand in that code?*" The very fact of their standing in that code, written under the inspiration and by the authority of the Most High, imparted to them a binding force over the conscience. To feel their force, it was not necessary for a Jew to inquire in regard to "the inherent justice and adaptedness seen to reside in those precepts." To an intelligent and pious Jew, it was sufficient to find a precept in the code which God had given to His Church by Moses, to convince him it was obligatory, and ought to be obeyed. He would, indeed, perceive a difference in the precepts of this Divine code, and know and feel some to be more important than others; and that, when they came in conflict, or, in other words, when both

could not be observed at the same time, it was his duty to observe the former.

This whole code was binding on the Jewish Church till the coming of Christ; and from no part of it was the Christian Church released, till the Head of the Church was pleased to repeal a part, and publish his will accordingly. So felt the first disciples of our Lord, both among the Jews and among the Gentiles. Even the apostles imagined themselves bound by the entire law of Moses, till they were taught, by the Spirit, that God had released his people from a burden formerly imposed on them. See Acts x. xi. xv. But where are we taught that the Levitical statutes under consideration have been repealed? Are Christians allowed to commit the acts of lewdness which they prohibit? Does not God require *us* to abstain from them, as He did formerly require the Jews to flee from them?

But to all this the *Puritan* will perhaps reply, that, by "*the Jewish code*," he meant the *municipal* code, and that this has been repealed. Allow this to be his meaning, and what was peculiar to the municipal code not binding on Christians, the repeal of this Levitical law will

not follow as a legitimate consequence. He must first prove this law to be a purely municipal law. This he has not even attempted. He assumes it; and, consequently, his whole argument rests on a *petitio principii*. It is what he charges on others, in the paragraph immediately preceding the one containing the quotation, on which our animadversions have been made, *a mere begging of the question* in debate.

Besides, we have, we think, proved this Levitical law to be, not *municipal* but *ecclesiastical*, and permanently binding on the Church, in every age; and that, even allowing it to be municipal, he has failed, in the application of his *criteria*, borrowed from Turrettin, to show the contrary.

CHAPTER VII.

The Levitical statutes relate to marriage—Opinion of Talmudists and Karaites—Judgment of the Primitive Church—Of the Reformed Church—Argument of the Puritan—His error shown.

1. THAT these statutes relate to *marriage*, and determine the *degrees* within which it is not lawful to contract marriage, has been, we have reason to believe, the judgment of the Church of God in every age.

In this manner, both the *Talmudists* and the *Karaites* interpreted the law. On other points of explanation they differed; but in this they were entirely agreed.

The judgment of primitive Christians coincided with that of the Jews.

And, at the Reformation, when, by the inquiry of Henry VIII., this Levitical law came to be investigated anew, by the Universities of

Europe, and by the Protestant Church, they all arrived at the same result. The Universities, without exception, regarded these statutes as referring to marriage, and prescribing the lawful degrees. Among the Reformers there was no difference of sentiment. This was the judgment of the Protestant Church of Europe; (see pp. 31–34,) and it has continued to be the judgment of the Church to this day. As there is no evidence to the contrary, we may rationally believe that this has always been the judgment of the Church of God, from the first publication of this law.

Now, has the Church, Jewish and Christian, notwithstanding the careful examination of this law, at different periods, by the ablest men, been ignorant of its true meaning and design, in every age? So thinks the *Puritan.* Is he, and the few who think with him, right, and the whole Church wrong? It is possible, but it is highly improbable.

2. Let us hear the *Puritan.* His first reliance is on the absence of the word MARRIAGE in this law, and on the meaning of the term or phrase, "Thou shalt not *uncover the nakedness,*"

&c., so often used in these statutes. "And the first position that we shall take is, that *they do not prohibit any marriages.* Marriage was a familiar word in the vocabulary of Moses; and if that were his meaning, it was quite as pertinent, and as delicate and euphonic, and every way as suitable, as the term here used. And as he has avoided the use of it, and has not used even an accustomed synonyme of it, it is fair to conclude that marriage was not his meaning."

"But our opponents say, that though the term does not necessarily import marriage, it imports sexual intercourse in general, and that includes marriage. And that may be true, unless it can be shown that the term *of its own force* bears the idea of *criminal* intercourse. If that can be made appear, then, so far from including, it excludes marriage. Besides, the term, uncover nakedness, is in *this series* of statutes by parallelisms made equivalent to another term, in which both sodomy and bestiality are forbidden." Pp. 10, 11.

3. In our reply we shall begin with the meaning of the peculiar term, "*uncover nakedness,*"

and afterward notice what is said about the absence of the word *marriage.*

Let the reader carefully notice, that the term is not simple, but *compound;* a *phrase,* not a single word.

If the chapter devoted to the exposition of the phrase under consideration, be carefully examined, it will be found that the author overlooks the qualifying influence of the VERB *uncover,* and confines his attention almost exclusively to the NOUN *nakedness.* This surely is not the way to explain a phrase, however it may answer for giving the meaning of a single word.

To show this to be the *Puritan's* mode of criticism, may be cited what is said in the beginning of the third paragraph: "But before we proceed to the proof that the *word* is expressive of crime." Observe, he does not say the *phrase,* but the *word,* is expressive of crime. In the last paragraph he, adverting to the phrase, says, "A careful attention to this phrase will show that it imports neither marriage, nor the intercourse of married persons, but *criminal commerce,* involving shame and dishonor." How does he prove this? By losing sight of the

phrase, and confining his attention to the single word; for he immediately adds: "The Hebrew word עֶרְוָה rendered nakedness, in its prevailing use, imports *uncleanness, and that disgrace which is inflicted by an act of lewdness.* As this is an idea, which seems mainly to have been overlooked, by writers on both sides of this discussion—as it is of itself decisive of the question, and so may be admitted with difficulty, we must be excused for exhibiting that proof in considerable detail."

Accordingly, he bestows through the two following pages a needless amount of research to show the meaning of this single term, and the corresponding Greek term.

In the last paragraph on the 13th page, he insists that the phrase *uncover nakedness* has, in Levit. 18: 14, the same meaning when applied to the male, as it has when applied to the female. Certainly it cannot be so. The nakedness of a female was uncovered by an act committed on her body; but the nakedness of her husband was uncovered by this act, and not by an act committed on his body; and by this act his nakedness was said to be uncovered, because

the body of his wife was his property; therefore what was done to her, was reputed as done to her husband.

In the first paragraph, on the 14th page, the *Puritan* insists that the term nakedness means dishonor, both when applied to the male and to the female. Allow this meaning, and make the substitution in the 16th verse, and it will read thus: "Thou shalt not uncover the dishonor of thy brother's wife: it is thy brother's dishonor." Now, such a disclosure might, in various ways, be made, without involving an act of *lewdness* on the part of the author.

4. Having made these remarks on the author's critical reasoning, we go back to notice what he asserts in the first paragraph of page 11. "The term uncover nakedness," he says, "*of its own force* bears the idea of *criminal* intercourse." This we deny, and assert that the phrase, abstractly considered, in relation to females, signifies sexual intercourse; and that the character of this intercourse depends entirely on circumstances. It may be virtuous and honorable, or it may be vicious and criminal, according as it is the intercourse of persons legally

married, or the intercourse of persons unmarried, or not legally married. Alms given from proper motives, and in a proper way, is widely different from alms given from improper motives, and in an improper manner. The former is a Christian act, acceptable to God; the latter is not.*

The *Puritan* is not only erroneous in his reasoning, but incorrect in his quotations.

He asserts (p. 14, third paragraph) that "Selden, in all the numerous instances in which he had occasion to use this word in all his writings, renders it by the Latin word *turpitudo;* and that Jewish Rabbies define it as expressing all things that are *base and filthy*, and *every thing base in word and deed.*"

Now, in opposition to this, we say, that if the *Puritan* had given correctly the first quotation he offers from *Selden*, (p. 12, second paragraph,) in support of the meaning he wishes to attach to the Hebrew word, it would have disproved his

* Under the verb גָּלָה *Gesenius'* Lexicon, translated by *Robinson*, says, "*To uncover the nakedness of a woman*, i. e., to have carnal intercourse with her, Lev. 18 : 8 sq. 20 : 17 sq.

assertion; and shown too that these Levitical prohibitions forbid *marriages* with certain relatives, as well as single incestuous acts. His quotation seems to be singularly defective; and of course misrepresents the meaning of *Selden*. There are two defects, one at the beginning, and the other at the end; and the supply of both is necessary to show the true meaning of the passage.

We shall supply these defects, and mark the first omission by brackets.

[" Lex sacra *de incestu* ad hunc modum loquitur,] (we omit the Hebrew text,) Nullus ad propinquum carnis suæ accedat ad revelaudum turpitudinem ejus, &c. Scilicet το ערוה sic in Vulgata nec male vertitur, uti et Græcis *ασχημοσυνη*, quod idem sonat." So far the Puritan; but immediately after *Selden* says, " *Nuditas* item (quæ *primaria* est vocis significatio) *verenda*, *pudibunda*, pro eodem hic substituitur; unde ערות Rabbinis tum omni modo *incestus* genere tum pro *fœminis* hoc nomine hic interdictis usurpari solet, uti et ערוה pro earum qualibet, ut matre, sorore, amita, martertera, nuru."*

* Uxor Ebr. Lib. I. chap. 3, p. 539.

Now, when the whole passage, as it stands in *Selden*, is read, how apparent is it, that the Puritan's quotation fails in presenting the true meaning of this oriental scholar. *Selden* here certainly considered the 6th verse of Lev. 18, a part of which he recites, as referring to *incest*. What is incest? The crime of cohabiting or of sexual intercourse between those who, on account of near relationship, are interdicted marriage. If a man have commerce with a female to whom he does not sustain such a relation, his sin may be fornication or adultery; but it cannot be incest. If then Selden regarded the *sixth* verse as referring to incest, he must have regarded all the prohibitions in the subsequent verses, which amplify and explain the general rule in the sixth, as referring to the same offence. Incest can be committed only by persons whose marriage is interdicted. The words, at the commencement of the above quotation, omitted by the Puritan, are a key to *Selden's* meaning, and ought to have been recited.

The words too that immediately follow his quotation, should have been connected with it; because they were necessary to let the reader

see the mind of this learned man in regard to the signification of the Hebrew term on which our brother labors so much. And what do they discover? Why, that Selden, while he admitted that it was not badly rendered by *turpitudo* in Latin, and by *ασχημοσυνη* in Greek, believed its *primary* signification to be *nakedness*, and that it signified too *verenda*, *pudibunda;* and that the Rabbins were accustomed to designate by עֶרְוָה any interdicted female, as a *mother*, a *sister*, an *aunt* by the father's side, an *aunt* by the mother's side, a *daughter-in-law*.

Is it not then perfectly clear, that *Selden* does not, as the Puritan affirms, always render this word by *turpitudo* in Latin; and that the Jewish Rabbies apply it to designate objects or persons that are far from being "*base* and *filthy?*"

In the next paragraph, referring to another quotation from *Selden*, he says, "Here we have his testimony direct, that the word which our opponents suppose to mean marriage, expresses some *unlawful connexion.*" How unjust in our brother to impute to us what we do not hold! We do not believe the word means *marriage;* and it may be fairly presumed, he never

heard any intelligent person say so. We believe, as *Selden* states, its primary signification to be *nakedness*, and as it is used in the Levitical prohibitions in connexion with the verb *uncover*, to express sexual intercourse; and that the prohibitions not only respect single incestuous acts, but are also intended to interdict incestuous marriages.

The quotation in the paragraph next to the last, on the same page, (p. 12,) is faulty. The translation is incorrect, and the Latin quotation, at the foot of the page, leaves out very material words. It is offered as "the testimony of a Jewish Rabbi, Solomon Jarchi." As it is found in *Selden*, in the same book and chapter from which the preceding quotation was taken, we presume the *Puritan* derived it from that source, though it is not so stated.

It has been seen how he labors to support his cause by the authority of the great oriental scholar; and that his first quotation, when fairly set before the reader, by exhibiting it in connexion with what went before and followed after it in *Selden*, entirely fails to sustain his assertion. A similar example is now to be presented where

the *Puritan* has omitted at the beginning what was necessary to a correct understanding of his quotation, as well as a parenthesis that throws light upon it.

We shall quote the whole from *Selden*, and leave it with the reader to compare our quotation with that of our brother. "Unde Salomon Jarchius ad illud Deut. xxiii. 2. *Non ingrediatur Mamzer in cœtum Domini* (quod *de matrimonio* cum Israelitide contrahendo, ac si dictum fuisset, לא ישא ישראלית, *Non ducat in uxorem Israelitidem*, exponunt.) The Hebrew terms we omit. "*Mamzer*, inquit, *is duntaxat est, qui ex coitu excisione plectendo nascitur, aut (quod magis dicendum) ex eo qui ex sententia forensi ultimo plectendus supplicio. Nam inter coitus, qui nomine* ערוה *(ασχημοσυνης sue turpiduninis) signantius denotantur*, (Levitico xviii. and xxi.) *nullus est ex sententia forensi ultimo supplicio plectendus, ad quem simul excisionis pœna non attinet.*" If the reader will compare this quotation with that of the *Puritan*, he will see that there is a material difference; an important omission at the beginning, and the omission of a material parenthesis in the middle of his quotation.

His translation too is incorrect; for it is made to exclude the idea of *marriage*, which is presented so distinctly to our view by the part omitted by him at the beginning. The word *coitus*, which signifies *conjunction, union, coition*, he improperly renders, in one place, "*an act of lewdness*," and in another, "*acts of lewdness:*" and this is done to sustain his assertion that עֶרְוָה always signifies, in *Selden's* writings, what is base, and never has reference to marriage. If the quotation be closely examined, it will be seen that this Jewish Rabbi had two kinds of *coition* in view; one which cut off the offspring from the congregation, and another which was punishable with death. Dr. Clarke, in his commentary on Deut. 23: 2, says, "*Mamzer*, which is here rendered *bastard*, should be understood as implying the offspring of an illegitimate or *incestuous* mixture." Such an offspring might be the fruit of an *illegal* marriage between an Israelitish woman and a heathen man; or of an *incestuous* marriage between a Hebrew man and a Hebrew woman; or of illegitimate intercourse.

How well this accords with the views of the

great oriental scholar, will appear from the following quotation, in which he expresses his own apprehension of what was signified by "children born of *incest*." It is found on the same page with the faulty quotation of the *Puritan*, and a little before it. "De Liberis ex *incestu* genitis (quod et de concubinis et de uxoribus ingenuis and Israeliticis, sed quibuscum sive ob *affinitatem* sive ob consanguinitatem matrimonium contrahi non poterat, *intelligo*) ita Moses Maimonides," &c. Maimonides speaks of a *Mamzer*, and asserts that he could succeed to the inheritance, just as another son or brother.

On this quotation we offer two remarks. *First*, *Selden* here plainly asserts, that children begotten of freeborn Israelitish concubines, or *wives*, with whom, on account of *affinity* or consanguinity, a Hebrew man could not lawfully contract marriage, were children of *incest*. *Secondly*, this implies that he believed that God had given to his people Israel a law which prohibited marriages, on the ground both of *affinity* and consanguinity. And where is that law to be found except in the eighteenth chapter of Leviticus? the *sixth* verse of which he quotes,

when he says, "The sacred law speaks of *incest* in this manner." See above, page 118.

The *Puritan's* quotation from the Targum of *Jonathan* (p. 15, 3d par.) is, like the preceding, incorrect and faulty.

The Hebrew word עֶרְוָה is not used by the Jewish writer where he places it, nor in any other part of the comment; but the Chaldaic form, which in the Latin translation is rendered by the term *turpitudo.* The translation is: "Vir qui duxerit uxorem fratris sui in vita sui, abominatio est: (מְרַחֲקָא) turpitudinem (עֶרְוָיָתָא) fratris sui retexit; absque prole erunt." The comment on Jonathan's meaning is entirely wrong. He contends that this Jewish writer believed that a brother's nakedness could not be uncovered after his death, and that therefore it necessarily followed, that the offence here spoken of could have no reference to marriage. If the *Puritan* had examined *Jonathan's* comment on Levit. 18: 16, he would have better understood his mind. Here is the Latin translation: "Turpitudinem uxoris fratris tui non revelabis vivente fratre tuo, aut *post mortem* ejus si habeat filios: *nuditas* fratris tui est." From this

we learn—1. That, in the opinion of *Jonathan*, if a man had sexual intercourse with his brother's wife, while his brother was living, it would be a violation of the prohibition in the 16th verse;—2. That if his deceased brother had children by her, it would be unlawful for him to marry her;—and 3. That uncovering her nakedness after his decease would uncover his nakedness; because her nakedness was considered as his nakedness: "nuditas fratris tui est." There was only one exception to the general rule in the 16th verse. If a Jew died without children, his brother could lawfully marry his widow, or uncover her nakedness without offence; but in all other cases, the prohibition was binding.

That this Jewish Rabbi did not (in Levit. 20: 21) refer to an adulterous connexion with a brother's wife, may be inferred from the penalty specified by him: "absque prole erunt." Such a connexion he well knew was punishable with death (Levit. 20: 10); and this he notices in his comment on the verse just named, and points out the different modes of inflicting this penalty, according as the crime was committed with an espoused virgin or a married woman.

The penalty specified by him, ("absque prole erunt,") evinces that he had regard to the offence committed by a man who married his brother's divorced wife, while he was living. Of the true meaning of the original Hebrew text, we shall have occasion hereafter to speak.

This is confirmed by the *Arabic* version of Levit. 20: 21: "Et quisque vir acceperit uxorem fratris sui quæ *est remota ab ipso* quandoquidem detexit turpitudinem fratris sui, morientur ambo orbi."

How many erroneous quotations have been made by the *Puritan!* 1. From *Jeremy Taylor;*—2. From *Turrettin;*—3. From *Selden;* 4. From *Salomon Jarchi;*—5. From *Jonathan*, the Jewish Rabbi. See above, pp. 21, 22, 84, 110–116, 117.

6. Had the *Puritan* opened *Simon's* or *Gesenius'* Lexicon, he would have seen that the word עֶרְוָה signifies—1. Nakedness in general;—2. Specially, *nuditas pudendorum;*—3. Metonymically, *turpitudo.*

The different meanings of the word being thus ascertained from a Hebrew Lexicon, the next point to be determined is, which of these

three meanings is best adapted to its connexion with the verb *uncover*, in application to a female. In this connexion it seems obvious, that the second meaning should be selected.

No one can doubt what is meant by the *nakedness* of Noah, (where the word עֶרְוָה occurs for the first time in the Bible,) which his two sons so discreetly, and with such filial reverence, covered with a garment, while they went backward, that they might not see their father's nakedness. (Gen. 9 : 23.)

The word occurs a second time in Gen. 42 : 12, where it is rendered "*the nakedness of the land;* and that this means its destitution of defence, or defenceless condition, is very obvious. In Exod. 28 : 42, we meet with it a third time, where the signification of בְּשַׂר עֶרְוָת, translated their *nakedness,* cannot be misunderstood. Then the word appears so often in Levit. 18 : 6–18.*

And when the great Lawgiver pronounces the prohibition, that a man shall not uncover the

* Buxtorf, in explanation of the meaning of this word, says, "*Nuditas corporis humani propalam turpis et pudenda censetur, maxime partium genitalium, quæ natura tecta voluit.*"

nakedness of sundry female relations, is it reasonable to doubt which meaning of the Hebrew word, translated *nakedness*, is suggested? Does He not refer to the *pudenda?* and is it not plain that, connected as it is with the verb *uncover*, the prohibition forbids *sexual intercourse?* Compare with these prohibitions Levit. 20 : 17.

This in effect is admitted by the *Puritan;* for, in p. 11, he denominates the acts forbidden, "*single acts of an* INCESTUOUS *character.*" And the whole paragraph, from which these words are quoted, shows that he saw the acts prohibited to be acts of unlawful *sexual intercourse.* It was, then, unnecessary for him to labor so much on the meaning of the single word עֶרְוָה; and indeed his labor was worse than useless; for it led him astray. The meaning of the phrase he presents, in the paragraph referred to before he enters on his learned research; but when he arrives at the end of it, he is so misled, by dwelling so much on a single word, that he substitutes the meaning of this single word that best pleased him for the two words; and a *general* for a *definite* phrase. The plain and obvious terms of the law, he explains by terms that do

not well define the acts prohibited. The law says, "Thou shalt not uncover the nakedness of thy father's wife;" and he imagines he gives its meaning, by saying, "Thou shalt not dishonor thy father's wife." Now, as such a relative might be dishonored in various ways and by different acts, the question will arise, Does the law refer to one act, to one way, or to all acts and ways of dishonoring a relative? This we apprehend to be obscuring, rather than explaining the law. The particular act that would produce dishonor to a female relative, is specified in the law; but the *Puritan* thinks he explains the prohibition, by substituting the effect for the cause.

At the top of p. 12 he says, "The Seventy translate the word in all the instances in which it occurs, in these chapters, by the word *ασχημοσυνη*, which signifies baseness, or a base act. And they render this text, 'Thou shalt not dishonor or expose to shame,'" &c. In this the *Puritan* is erroneous.

Robinson, in his Greek Lexicon of the New Testament, gives, as one meaning of this word, *pudenda;* and very properly supporting it by

Rev. 16 : 15, adds, "So Sept. and עֶרְוָה Ex 20 : 26, Lev. 18 : 6, 7." *Charles Thomson*, in his translation of the Septuagint, has rendered it, in Lev. 18, as it is in our English translation of the Hebrew: "The *nakedness* of thy father's wife shalt thou not uncover," &c. The *nakedness* of thy brother's wife thou shalt not uncover, &c. *Grotius*, commenting on the word *turpitudinem*, used by the Vulgate, in Levit. 18 : 6, says, ערוה, id est *nuditatem*, Hebræi vocant partes quæ nudæ dedecent. Ideo LXX. *ασχημοσυνη*, *inhonestatem*. Paulus 1 Cor. 12 : 23, *τα ασχημονα* [*inhonesta*].

In the 2d paragraph, on the 12th page, the *Puritan* reiterates what he had before asserted: "Now, both from the meaning of the word עֶרְוָה and *ασχημοσυνη*, we put it beyond a reasonable doubt, that unlawful intercourse is here the thing forbidden."

The meaning of the *phrase* "UNCOVER NAKEDNESS," as to the criminality of the act, depends, we have shown, upon circumstances. The act may be virtuous or vicious. The terms in which it is expressed, do not of themselves denote its character; they merely signify, in a delicate way, the act. In this chapter, as they are used in prohibitory statutes, they do, in general, mark

criminal intercourse. Yet there is found one exception. The 17th verse says, "Thou shalt not uncover the nakedness of a *woman* and her daughter." Now, we apprehend, the law does not here forbid a man to have intercourse with a woman to whom he is married, but only to have intercourse with the daughter of his wife. Our translation is, we think, unfortunate. The original word is precisely the same as that rendered in other verses by the English word *wife;* and had it been so translated, the ambiguity would have been avoided. It would then have read: "Thou shalt not uncover the nakedness of a *wife* and her daughter."

The Hebrew word is translated *uxor*, *wife*, both by the *Septuagint* and by the *Vulgate;* and Charles Thomson has very properly used the term *wife*, in his version of the Septuagint. The Hebrews understood the word to signify *wife*. See *Selden* De Lege Nat. et Gen. Lib. v. chap. i., p. 500.

Here, then, the phrase is used to express the lawful intercourse of married persons; and this intercourse is pronounced by the Supreme Lawgiver to be "honorable in all."

The reader may now look at the assertion of the *Puritan*, which, by large capitals, he has placed in bold relief, on page 14, and know how to appreciate it. If the terms have not the sense of marriage, they are sometimes used to express the intercourse that pertains to marriage. He may learn too that the author is in error, where he confidently asserts, of this phrase, (p. 11,) "It so embodies the idea of a *criminal connexion*, as to exclude that of marriage; and that a Hebrew writer would no more use it to express the idea of marriage, than he would use the term adultery." Moses, we see, writing under inspiration, has used these terms in reference to the intercourse of married persons.

7. If we felt disposed, we might put our brother, the *Puritan*, to some trouble to sustain what he regards as so easy to sustain, the meaning of "the term *wife*, in these texts." (Chap. 4, par. 3.) He alleges there are "forty-nine cases where the proper term (wife) is used," against seven in which the term *widow* is found. In reference to this *arithmetical* criticism, we might say, the *primary* meaning of the Hebrew word, rendered in these statutes by the word

wife, is *woman*. So it is translated in very many places; and therefore, according to his rule, he ought to assign a reason for its being rendered, in these texts, by the term *wife*. Had he recollected this primary sense of the Hebrew word, he would not (guided by *sound*) have said, "It may seem presumption in me, to contend that the text means *what it says*." We shall not put him to this trouble; we shall agree to receive the translation as correct.

We have however a reply to offer to a question he proposes in p. 17: "Is not then the inference irresistible, that when no such special reasons for departing from the accustomed use can be shown, the term wife is to be understood to mean wife, *and nothing else?*"

Now, while we admit the correctness of the version of the term, we contend, that in all the statutes included in verses 6–16, the term *wife* does signify more than what it usually expresses; it means, from the very import of these prohibitory statutes, the wife, not only while her husband is living, but when he is dead, and she left in a state of widowhood. How long is a man forbidden to have *incestuous* intercourse

with his *mother?* Only during his father's lifetime? May he marry his mother after his father's decease, and thus render sexual intercourse with her who bare him and brought him into the world lawful and honorable? Nature abhors the idea; the divine statute prohibits *forever* all such unnatural commerce between a parent and her child, as peremptorily when his father is dead, as while he is living. Is not the prohibition perpetual too in regard to a father's wife? in regard to an aunt, the wife of a father's brother? in regard to a son's wife? Can any form of marriage cover the iniquity of intercourse between such near relations? Is not sexual commerce *forever* forbidden between a man and such females, as well when they are widows, as while their husbands are living? Do not these statutes prohibit even the thought of such intimacy, under any circumstances?

8. The *Puritan* asks, Why the term *marriage* was not used, if the Lawgiver intended by these statutes to prohibit marriage? We promised an answer to his question. The preceding remarks will suggest one. Infinite Wisdom, designing by these statutes, to fix the mark of reprobation on

all sexual intercourse between near relations, under all circumstances, uses the terms here recorded, as the fittest to express His will; and, therefore, forebore to employ the term *marriage* in reference to connexions that no form of marriage could sanctify and render honorable.

These statutes, then, while they prohibit all sexual intercourse between near relations, as *incestuous*, have reference to marriage, and do impliedly forbid it.

Another proof of such reference may be found in Levit. 20 : 21. Mark the penalty annexed to the crime. "They shall be childless." And what was the crime from which this threatening was designed to deter? Was it, as the *Puritan* imagines, an adulterous connexion with a brother's wife? Was adultery committed with such a relative less heinous, than adultery committed with another woman to whom the offender was not nearly related? Certainly not. It was a greater crime. By the 10th verse of this chapter, the crime of adultery was to be punished with death; and it will follow, that if the crime contemplated in the 21st verse had been adultery, the offender would have been deserving of

this punishment, and the appropriate penalty would have been annexed, as in all the preceding verses.

Besides, the desire of procreating children is no incentive to defile the bed of a brother. The adulterer is prompted to his crime merely by his unbridled lusts, which he seeks to gratify. The threatening of being *childless* was no appropriate punishment of such a crime.

But to deter from marrying a brother's wife, when repudiated by him, or after his death, it was appropriate. The Jews had a great desire for children; and a threatening that they should be childless, if they violated the law by contracting marriage, was likely to deter from this sin.

The Jews, in the time of Henry VIII., regarded the Levitical prohibitions as having respect to marriage. "Many of the Jewish Rabbins," says Burnet, "did give it under their hand in Hebrew, That the laws of Leviticus and Deuteronomy were thus to be reconciled: That the law of marrying a brother's wife, when he died without children, did only bind in the land of Judea, to preserve families, and maintain their successions in the land, as it had been

divided by lot; but that in all other places in the world, the law of Leviticus of not marrying the brother's wife, was obligatory."*

Indeed, the *Puritan* has in fact yielded the reference of these statutes to marriage, in the character (so often referred to) which he gives to sexual intercourse between relations designated in the Levitical law; for, if it were at any time lawful for them to marry, their intercourse might be denominated *fornication* or *adultery*, but it could not be called *incest;* because incest is the crime of cohabiting or sexual commerce between persons so nearly related, that their marriage is declared to be unlawful. Hence, the Jews, who never thought of calling in question the application of these Levitical statutes to marriage, maintained, as *Selden* informs us, that if an *unmarried* man were to lie with a woman and her daughter, or with a woman and her sister, he would not be guilty of *incest*, however criminal his conduct might be.†

* Burnet's Hist., p. 143.

† De Jure Nat. et Gen. Lib. V., chap. x., pp. 545, 546.

From all the evidence presented to prove the reference of the Levitical prohibitions to marriage, we may conclude, that the *Puritan* has failed to establish the contrary doctrine, which, at the close of his fourth chapter, he imagines to be fully proved. All the statutes refer to marriage; and as those which prohibit sexual intercourse between parents and children, brothers and sisters, uncles and nieces, prohibit, at the same time, all attempts to sanctify such intercourse by marriage; so it is with the prohibitions that respect a brother's wife, and a wife's husband. All are *near of kin*, and may not be approached. God has forbidden it by his law.

9. But the *Puritan* objects, (p. 8, 3d par.) "In our view, the fact that God commanded a man to marry a brother's widow, proves that there is no immorality in such marriages." Nor was there immorality in the marriages of brother's and sisters, when in the commencement of our race God commanded such near relations to marry. In the purpose of Abraham to slay his son, when God commanded him to "offer him as a burnt sacrifice," (Gen. 22 : 2; Heb. 11 : 17–19,) there was no immorality, but a signal

act of obedience to the Divine will; nor would there have been any immorality in the patriarch's conduct, if, at the command of God, he had actually deprived him of life. But, when "the angel of the LORD called unto him out of heaven, Lay not thine hand upon the lad, neither do thou any thing unto him;" if he had executed his purpose, there would have been great immorality in his murderous act. When, in consequence of the multiplication of the human race, the marriage of brothers and sisters became unlawful, they who, contrary to the Divine will, contracted such marriages, were chargeable with great immorality. And so now, when a man marries his brother's widow, he acts in a very immoral manner; because God prohibits in his word such marriages. Levit. 18 : 16, and 20 : 21.

But, as it was the duty of a brother, under the Jewish economy, to marry the *childless* widow of his brother, and raise up seed to him, the *Puritan* still objects, and says, (in the close of the above paragraph,) "We must insist, that this command to marry a brother's widow proves that such marriages were not abhorrent to na-

ture." This objection he has himself, in effect, answered by a quotation from *Turrettin;* from which it appears, that some precepts of the Divine law are so founded in the nature of God and the nature of things which he has constituted, that they cannot be altered, and must remain unchanged; and that others are not so founded, but "founded in the nature of *things constituted in a particular way.*" Such precepts may be changed by the exercise of God's sovereign authority. (See his p. 8, last par.)

And were we to admit the marriage in question was "not abhorrent to nature," in the sense attached to the phrase by the *Puritan*, it would not follow that it is now lawful. Can Jehovah forbid no marriages but such as nature abhors? or, in other words, his short-sighted, erring, and misguided creatures see and allow to be improper and wrong? In commemoration of his resting from his works of creation, He enacted the fourth commandment in the Decalogue, which required the Hebrew people to sanctify the seventh day; and violations of this day were, by his judicial law, punishable with death, by the civil magistrate, as long as the

fourth commandment remained unchanged; but now, under the new dispensation, we observe, as the Christian Sabbath, the first day of the week, in commemoration of the resurrection of our Lord, and the finishing of the glorious work of redemption. So in regard to the statute prohibiting a man marrying his brother's widow, the sovereign authority that enacted could, at any time and in such circumstances as He deemed proper, suspend its operation; and, as the reason for which its operation was suspended does not, under the Christian dispensation, ever occur, the statute has become invariable, and perpetually forbids the marriage of a man with his brother's widow.

In regard to the interesting subject of marriage, the *Puritan* may prefer being guided by human legislators and his own interpretation of nature; but we prefer being guided by the great and unerring Lawgiver of the universe; who knows the nature of things which He has constituted, unspeakably better than we do, and how to protect his own institution, so as best to promote His own glory and the best interests of the human race.

CHAPTER VIII.

The Levitical law a natural law.—Classification of the Statutes.—Marshall's objection.—His singular mistake.—Proofs of its being a natural law.—How made known.—Opinion of Jurists.—Summary of its prohibitions.—Chancellor Kent's definition.—The Puritan's objections answered.

In the preceding discussion it has been proved, that this law is neither ceremonial, nor civil or judicial, but ecclesiastical and moral; moral, because it forbids lewd acts of an incestuous character, and because it prescribes the limits of marriage.

These statutes constitute ONE law. The number of the prohibitions does not affect the unity of the law. The Decalogue has *ten* precepts; but they are *one* moral law. The human body has many members; yet they constitute *one* body.

So these statutes form but *one* law of incest.

All are founded on the *same basis* of relationship by consanguinity or affinity; all have the *same* object, domestic purity and good morals in the community; all are enforced by the *same* spiritual penalty, excision from the Church.

But the classification of the prohibitions, from the sixth to the eighteenth verse inclusive, but excluding "those from nineteenth to the twenty-fourth," under the general prohibition contained in the *sixth*, is deemed arbitrary. Mr. Marshall, regarding the sixth verse as containing "the title or general principle" of all the statutes in this chapter, finds it to be unsuitable, and not in accordance with the accuracy of "European or American legislators;" and then goes on to apologize for the inaccuracy of the inspired lawgiver, by pleading the want of "exact classification or logical arrangement in discourse" in "the Asiatics."* But to this he is driven by his own mistake. Had he carefully inspected the chapter, he would have found in the *third* and *fourth* verses a more general title or principle, than is contained in the sixth. "After the

* Marshall, pp. 86–88.

doings of the land of Egypt wherein ye dwelt, shall ye not do; and after the doings of the land of Canaan, whither I bring you, shall ye not do: neither shall ye walk in their ordinances. Ye shall do my judgments, and keep mine ordinances, to walk therein: I am the LORD your God." Here is a principle broad enough to comprehend all the prohibitions contained in this chapter. How came our brother to overlook it? Mr. *Marshall* needs an apology, not Moses.

The prohibitions are various. Let us glance at them. They are:

1. Against *incest*, in various specifications (v. 7–18); all contained in one general prohibition: v. 6.
2. Against unseasonable intercourse: v. 19.
3. Against adultery: v. 20.
4. Against idolatrous worship: v. 21.
5. Against sodomy: v. 22.
6. Against bestiality: v. 23.

All these prohibitions certainly range under the general principle expressed in the third and fourth verses. And is it not equally manifest, that the specifications in verses 7-18, come naturally under the general rule delivered in the

sixth verse? They all refer to incestuous intercourse between persons nearly related by consanguinity or affinity. We repeat it, these prohibitions all rest upon the *same common basis;* they form *one* law of incest; or, if you prefer it, *one section* of the general law. Their basis, their object, their penalty, are *one* and the *same.*

This law is rightly denominated a *natural* law; for it is founded in nature. By this we mean, it is founded on the *natural relation* which subsists between us, dependent creatures, and God, our creator and preserver; and the *relations* which He has constituted between us and some of our fellow-creatures, as social beings. It may in part be discovered by the deductions of right reason, unaided by a *written* revelation; but it can be *fully* known only by the light of that written revelation which God has given to His Church.

The *Puritan* speaks of "the voice of nature," —"the book of nature,"—"the law of nature," —and of being "abhorrent to nature." But he has not explained his meaning. He has not told us how the voice of nature speaks to us, nor

how we learn to know what in regard to marriage is abhorrent to nature.

At the commencement of the human race, it is certain the voice of nature did not forbid the marriage of brothers and sisters; nor did nature abhor such connexions. They were right, and approved by God; and in the circumstances in which the first children of Adam were placed, brothers and sisters felt no repugnance of nature to marry one another.

But, in subsequent times, when the human race had multiplied, so that wives could be found without the family circle, a different state of feeling was produced, and men regarded the marriage of brothers and sisters as unlawful, and contrary to the Divine will. There is now a repugnance to such connexions. They are felt to be incestuous, and are to be abhorred.

How was this change in the views and feelings of men on this subject produced? Was a change wrought by the Creator's hand, in the nature of man, that gave rise to new feelings and new views? or did the great Lawgiver interpose, by an announcement of His will, that such marriages should no longer be contracted,

and thus excite new views and new feelings? Which is the more probable? When we consider how frequently, and in what various ways, He has graciously condescended to reveal His will to the children of men, does not the latter mode appear the more probable?

We know inspired teachers were not wanting in the first ages of the world. Such were Adam, Enoch, and Noah; and probably others of whom we have not heard. Adam, our great progenitor, had, at his creation, a perfect knowledge of moral duty; for he was created in the image of God, in knowledge, righteousness, and true holiness. He had also a vast extent of intellect, as appears from his intuitive view of the nature of marriage, and from his ability to give appropriate names to all cattle, and fowls, and beasts, as they were brought before him by the Creator. Gen. 2: 19, 20. His intellect was indeed darkened by his mournful apostasy (Gen. 3: 10); yet we have reason to believe, he retained much of the knowledge imparted to him at his creation, and was competent to instruct his posterity on subjects of moral duty, as well as to preserve among them the great promise of a coming De-

liverer, the expected seed of the woman, who was to bruise the serpent's head. Was not Adam acquainted with the law of incest? Did he not, in the course of his long life, extending over 930 years, inform his descendants, at a proper time, that it was the will of God that marriages between brothers and sisters should cease? By the inspired historian it is stated, that the improper marriages between "the sons of God," the professors and followers of the true religion, and "the daughters of men," apostates from the true religion, ungodly men, were displeasing to the LORD, and became a source of irreligion and wickedness. (Gen. 6 : 1-4.)

Enoch, the seventh from Adam, was a man of eminent piety. "He walked with God;" and as a reward of his singular piety, he was translated to heaven, and exempted from the pains and corruption of death. (Gen. 5 : 24. Heb. 11 : 5.) This pre-eminently pious man was a prophet, as we are informed by the apostle Jude; and he prophesied to the Antediluvians of the *second* coming of our Lord, with his holy angels, to execute judgment on all unrighteous and ungodly men. And while he warned them of the

approaching judgment and coming wrath, by which they would be most justly punished for their sins, did he not state distinctly what were the sins of which they were guilty, and what were the commandments which they had violated? And was not the law of marriage then known, so far as to prohibit the union of brothers and sisters?

Noah, we are informed by Peter, (2 Pet. 2: 5,) was "a preacher of righteousness;" and, during the one hundred and thirty years of God's forbearance, when He afforded space for repentance to that wicked generation of men who were destroyed by the flood, this godly man did not cease to warn them of their imminent danger, and urge them to flee from their sins. Was not this inspired man acquainted with the law of incest? Had not God as yet revealed His will on this interesting subject?

The Jews had a tradition about the seven precepts of Noah; among them was one relating to *incest*. It is highly probable that his descendants were instructed on the law of marriage, and the limits set to this intimate connexion. The religious information imparted by Noah,

was retained, more or less, by the nations that sprung from him; and additional light in regard to religious subjects, was diffused among Gentile nations, by intercourse with the Jewish people, who lived in their own land, and those who were scattered abroad in different parts of the world, especially after the Babylonish captivity. Their sacred scriptures were translated into the Greek language, two hundred and fifty years before the Christian æra.

It is no unreasonable supposition, that the best laws and customs of the ancient heathen nations were derived from Divine revelation. *Selden* expresses his belief on this point, in the strongest terms. Referring to the received sentiments and institutions of Gentile nations, ancient and modern, in regard to *incestuous marriages, on account of relationship*, he says, in a parenthesis: "Quæ, procul-dubio, Legi Sacræ ejus que interpretamentis diversimode acceptis, originem suam inprimis debent." Uxor Ebraica Lib. I. chap. vi. This learned man had well studied the subject, and his opinion is probably correct.

The repeated revelations of the Divine will,

given at various periods of the world, will justify the belief, that God has left none of his creatures to collect the knowledge of duty, merely from the contemplation of the nature of things; but has revealed and announced a law of moral duty and of marriage, corresponding with the nature of things established by Himself, and which of course He knows most perfectly. A portion of the light of His revelations has reached, more or less, all nations.

If this reasoning be or be not admitted as correct, one thing has, we think, been proved: God has revealed a law of incest, and authoritatively determined the limits of legitimate marriage; and this law is found in these Levitical statutes. The prohibition against the marriage of parents with children, and of brothers with sisters, is generally admitted to be founded in nature, and therefore to be a *natural* law.

But beyond this, jurists and legislators seem unwilling to extend the limits of unlawful marriages. Sir William Scott, however, (afterwards Lord Stowell,) who is styled, we repeat it, by Chancellor Kent, "a great master of public and municipal law," has recently adjudged a

marriage between an uncle and a niece to be incestuous; "a nuisance extremely offensive to the laws and manners of society, and tending to endless confusion, and the pollution of the sanctity of private life."*

Jurists see the first part of the Levitical law to be founded in nature. For this they are able to assign sufficient reasons to satisfy their minds on the point; but in regard to the rest of these statutes, they cannot assign the *same* reasons for the prohibitions: and, therefore, they chose to denominate these *positive* law. Is this reasonable? The law, we have seen, is *one* law. All its prohibitions rest on the *same* basis; all have the *same* object in view; and all are enforced by the *same spiritual* punishment. Why then should a part of this one and the same law be regarded as founded in nature, and another part be considered as only positive? The inability of jurists to discover by the deductions of their own reason the *whole extent* of the law of nature, is no sufficient reason for not admitting the whole of this Levitical law to be a *natural* law, found-

* Kent's Com., vol. ii. p. 82.

ed in nature. The ignorance of uncultivated minds, unable to determine what is the law of nature, and what is not, cannot affect the character of the natural law, acknowledged to be such by the common consent of jurists and legislators. And why should the weakness of the human mind to discover the whole extent of a natural law, affect the natural character of this one Levitical law of marriage; when it is evident, from an inspection of it, that the whole rests on the *same basis*, the natural relations which rational creatures sustain to their Creator and to one another? Can not His omniscient eye see farther than the human eye? Does not the Maker of all things, the Architect of nature, know perfectly that nature which He created, and all the relations which He has constituted between his rational creatures?

Let us for a moment look at the particulars in this law. It prohibits marriage between

1. Parents and children: vs. 7, 8.
2. Brothers and sisters: v. 9.
3. A man and his grand-daughter: v. 10.
4. A man and his father's wife's daughter: v. 11.

5. A man and his aunt, either his father's or his mother's sister: vs. 12, 13.

6. A man and his uncle's wife: v. 14.

7. A man and his daughter-in-law: v. 15.

8. A man and his brother's wife: v. 16.

9. A man and his wife's daughter: v. 17.

10. A man and his wife's son's daughter, or her daughter's daughter: v. 17.

11. A man and his sister-in-law: v. 18.

Why should the prohibition of any of these marriages be regarded as not belonging to natural law? Let the question be again proposed, What is meant by the law of nature? Chancellor Kent has well answered this question. In his adjudication of the case of *Whitman vs. Whitman*, he says, "By the law of nature I understand those fit and just rules of conduct, which the Creator has prescribed to a man, as a dependent and social being; and which are to be ascertained from the deductions of right reason, though they may be more precisely known and more explicitly declared by Divine revelation."*

* Conflict of Laws, p. 105, a note, 4 Johns. Ch. R. p 343.

This definition is just. It involves the following points :—1. The law of nature is the Creator's law ;—2. It is founded on relations ;—3. Human reason is incompetent to discover it in its *full extent ;*—4. Divine revelation alone can make it fully known.

The law of nature is indeed the Creator's law ; and rules derived from the consideration of the nature of things, have no binding authority on the conscience, except so far as they indicate the Divine will. They bind the conscience anterior to human legislation. God has not left the law of *incest* to be collected from the deductions of fallible reason. He himself has promulgated it at different periods, so that heathen nations have learned something of it by tradition ; and by his servant Moses, He vouchsafed, in writing, to his chosen people, a full revelation of His will on this interesting subject. Why, then, should any reject the light He has shed on a part of moral duty, so important to be known ? We needed the light of revelation to ascertain our duty *fully.* God has given this heavenly light. Let us thankfully receive the gift, and walk in the light.

Is it reasonable to deny any part of this law to be founded in nature, when every part so manifestly rests upon the same basis, relationship by consanguinity and affinity? Why assert a part, and not the whole, to be binding on us? Why denominate it a revelation to the Hebrew commonwealth, and not to the Church? Why call it a municipal, and not an ecclesiastical law?

The *Puritan* has assailed particularly that part of this law which prohibits the marrying of a brother's widow. This he will have to belong to the Jewish civil law, and to have been repealed. He however has offered no arguments in favor of his position. It is *merely assumption.*

We have proved, we believe, this whole Levitical law to be an *ecclesiastical, moral,* and *natural* law, unrepealed, and binding on all Christians.

One objection remains to be noticed. On p. 9, 2d par., the *Puritan* says, "Since ever after the race was fully constituted for multiplication, it was against the law of nature for brothers and sisters to marry, and God himself could not either allow or command it."

It has been already remarked, that our brother speaks of "*the law of nature,*" without explaining his meaning. But what is this law of nature but the law of God, the Author of nature? Distinct from the Creator's law there is no law of nature. Some parts of the laws of God are mutable, and others immutable. The Decalogue is a moral and natural law; natural, because it is founded in the natural relations that subsist between us and the Creator, and between us and our fellow-creatures. This law requires us to love God; and we cannot conceive this obligation should ever cease, or that the contrary should ever "be allowed or commanded." We are required to love our neighbor, not excepting our enemies; and this precept involves the duty of praying for them: but we are not permitted to pray for the wicked when dead; we must leave them in the hands of their Judge, who will do them no act of injustice. Before death the obligation to pray for a sinner may cease: "If any man see his brother sin a sin which is not unto death, he shall ask, and he shall give him life for them that sin not unto death." "But," adds the inspired writer, "There is a sin unto

death: I do not say that he shall pray for it." 1 John 5 : 16.

So it is with the law of marriage. We cannot conceive of a case in which it could be lawful for a parent to marry his daughter. But we know that, at the commencement of the human race, it was lawful for brothers and sisters to marry. And since the multiplication of the human race, affirms our brother, "God could not either allow or command it." We dislike this language; it savors of irreverence. Suppose Noah and his wife alone had been saved from the destructive deluge, and they had begotten children after the flood, would it not have been again lawful for brothers and sisters to marry? Or suppose Noah, during the three hundred and fifty years he lived after the deluge, had begotten children, would not marriages between uncles and nieces have been allowed?

The *Puritan* goes on, in the same paragraph to affirm: "And we repeat, that if it were a moral wrong for one to marry his brother's widow, God could not have commanded it as he

did." What is a moral wrong? Is it not sin? And what is sin? An inspired writer has answered the question: "Sin is a trangression of the law." Did not the Israelites, when, in opposition to a Divine command, they refused to march forward and take possession of the promised land, and when they threatened to stone Joshua and Caleb who exhorted them to go forward, sin? Did they not commit a "*moral wrong?*" And when God, to punish them for their disobedience, reversed his command, and swore they should perish in the wilderness, did they not sin again—again commit a "*moral wrong*," by attempting to march forward in opposition to His will? See Num. xiii. and xiv.

The *Puritan* has failed in his attempt to prove, the prohibition to "uncover the nakedness of a brother's wife," does not involve a prohibition to marry a brother's widow. We have shown that the Levitical law relates to marriage, as well as to single *incestuous* acts; and it follows, that in all cases, except one, if a Jew married the widow of his brother, he sin-

ned, he committed a "*moral wrong;*" because he violated a command of God. There is now, under the Christian dispensation, no exception to this prohibition. This ecclesiastical law of marriage, of permanent obligation, prohibits every one who hears it, marrying his brother's widow; and whoever does form such a connexion sins, he commits "*a moral wrong.*"

Our brother, holding fast to his error, and confident of being right, boldly affirms, in the fifth paragraph, "So that, after all the objections that have been urged, the argument remains in all its force, that the marriage of a brother's widow is not an immorality *per se;* for if it had been, God could not, in any case, have commanded it." By "an immorality *per se,*" our brother means an act which, in no possible circumstances, it would become a holy God to allow. We cordially agree with him that the marriage of a brother's widow is not such an act. Nor is the marriage of brothers and sisters such an act; for this plain reason, there have been circumstances in which God did permit and require such marriages. Still, however, as it is now unlawful for brothers and sisters, in

any case, to marry, so it is now unlawful for a man, in any case, to marry his brother's widow. Both are forbidden by the law of God, given to His Church, which law is really a *moral* and a NATURAL law.

CHAPTER IX.

Summary view of the Argument.

It is now time to present the reader with a summary of the whole discussion.

After an introduction designed to trace the rise of the present debate, we entered on the subject, by making various remarks on the *Puritan's* historical facts.

In the first and second chapters we detected many mistakes and misstatements of our brother; showed how he has misrepresented Jeremy Taylor, and greatly erred in regard to the views of the Protestant Church of Europe; and that he has no right to claim *Calvin*, or *Grotius*, or *Selden*, as favoring the marriage of a man with his deceased wife's sister.

His attempt to ascribe a papal origin to the prohibition of such marriages, was frustrated.

It was also seen there is more reason to apprehend the change that has occurred in the views and laws of various States on this subject, may be traced to the influence of infidelity; and that it does not augur well, that, in this retrograde movement, the State has taken the lead, and wishes to draw after it the Church of God, which, in former times, very properly influenced and instructed the State.

In our *third* chapter, the consequences that must result from the principles the Puritan has endeavored to establish, were exhibited. If the law in the *eighteenth* chapter of Leviticus has been repealed and is not binding on the Christian Church, and especially if it have no reference at all to marriage; then it follows, as a necessary consequence, that the Church, in every age, since the days of Moses, has been destitute of a written rule on the subject of unlawful marriages, and left entirely to the single intimation in the second chapter of Genesis, and the unaided light of human reason. This we believe to be highly improbable: and considering how clearly God has announced the Decalogue, the moral law, first engraven on tables of

stone, and then recorded by the pen of Moses; how it was afterwards explained by the writings of the Prophets, by the teaching of the Redeemer, and in the writings of inspired Apostles; and considering also what particular instructions are given in regard to the Divine ordinance of human government; we felt it to be reasonable to infer from what God had done for our benefit in these matters, He had not withheld from us a written announcement of His will on a point relating to His own peculiar institution, which lies at the foundation of human society; an announcement so necessary to protect this institution against abuse, and to secure domestic purity, as well as to preserve good morals in the community.

The *fourth*, *fifth*, and *sixth* chapters are devoted to the proof of the *perpetuity* of the Levitical law.

In establishing this point, beside offering direct proof, we reasoned on the *Puritan's* own principles. He assumes, without proof, that this law belongs to the Jewish civil or judicial code; and then admitting that some parts of this code are binding on Christians, he applies to this law

the criteria laid down by *Turrettin*, to ascertain what portions of the Jewish civil code are, and what are not, binding on us; and by the application of these criteria, he thinks he has proved the Levitical law, in the eighteenth chapter, to have been repealed, and thus deprived of its binding authority. But, in opposition to our brother, we have endeavored to show, that he has not followed his guide, and that, by a correct application of *Turrettin's criteria*, these Levitical statutes are proved to be *permanent* and *obligatory* on the Christian Church.

It was also shown that this law is *ecclesiastical* and not municipal, and has not been repealed; and that, even admitting it does not relate to marriage, it must be unrepealed; because, according to the Puritan's own showing, it forbids lewd, unclean "acts of an *incestuous* character," and is, therefore, a *natural* and *moral* law.

In the *seventh* chapter, which contains remarks on the *Puritan's* reasoning and exposure of its fallacy, we have, among other things, endeavored, from the uniform judgment of the Church, both Jewish and Christian, to prove that this Levitical law relates to marriage.

We have also attempted to prove, in opposition to all the needless labor of our brother to establish what he deems the meaning of the phrase, "*uncover nakedness*," that it does mean *sexual* intercourse; that this intercourse receives its character from circumstances, and is, according to circumstances, virtuous or vicious, honorable or disgraceful; and that, in this very chapter of Leviticus, it is, in one place, applied to the commerce of married persons.

In regard to the term *wife*, on which the *Puritan* lays so much stress, it has been evinced that it does, in this chapter, mean more than *wife*, in the ordinary signification of the term; because the prohibition of sexual intercourse between a son and his mother, a man and his father's wife, a man and his aunt, is permanent; applying not only to the lifetime of the husband, but to the time subsequent to his death, when his wife has become a *widow*.

In the *eighth* chapter, this Levitical law is proved to be *one natural* law; being *founded in nature*, as it has for its *basis* the natural relations subsisting between man and his Creator, and between man and his fellow-creatures; and that

no prohibition in this law is to be excepted, because all are founded on the *same common* basis.

Through all this extended discussion it was necessary to pass, in order to prepare the way for proving the marriage of a man with his deceased wife's sister to be unlawful and incestuous. Had our brother not denied the true design and perpetuity of the Levitical law, but admitted it as prescribing limits to marriage, and permanent in its obligation, we might, without all this previous labor, have entered immediately on the proof that such marriages are prohibited by these Levitical statutes.

CHAPTER X.

Marriage unlawful.—Rules of interpretation—proved to be correct.—Objections of Omicron and the Puritan answered.—Eight relations by affinity.

OMITTING for the present the prohibition of this marriage found in the *eighteenth* verse of the chapter, we contend, that by a fair and just construction of the Levitical law, it is forbidden. To prove this, the following rules of interpretation are laid down as correct and true.

I. *This law is to be interpreted in conformity with its* GENERAL *and* PERMANENT *character.*

Had it been delivered as a temporary and civil law, designed only for the government of the Hebrew commonwealth, it ought to receive a corresponding interpretation. But as it is a permanent, ecclesiastical law, designed for the Church in all ages, it must be interpreted accordingly.

II. *This law settles the* DEGREES *of marriage; without specifying all the particular cases which come within the compass of these degrees.*

This, with few exceptions, has been the judgment of the Church in every age. So thought the Jews. "The Jews," says Poole, "and *even* the *Karaites*, (who followed most rigidly the letter of the Scriptures,) admitted it to be correct to ascertain the cases not specified, by just reasoning."* If this rule were not allowed, neither marriage with a sister from the same father and mother, nor marriage with the wife of a mother's brother, nor marriage with a sister's daughter, could be proved to be unlawful; for neither of these cases are specified in the law. See vs. 9, 10, 11, 14. In this the law resembles the *Decalogue;* which lays down general principles to be applied to cases as they may arise. Had all the cases been specified, the law would have been unnecessarily prolix.

III. *This law is addressed to* WOMEN, *as well as to men.*

This rule is not regarded either by the *Puri-*

* Synopsis Crit. vol. I. Levit. 18: 16.

tan, or by *Omicron*. They seem to think the law speaks only to men. A serious error that runs counter to the whole analogy of Scripture. All general laws are alike addressed to both sexes. "The Rabbins say, that whatsoever is forbid to men, in the negative precepts of the law, is also forbid to women." See *Calmet's* Dict. under *Woman*. Wild as they were in other matters, they were correct in this.

The first prohibition given to man, as a test of his obedience, seems to have been delivered to Adam before Eve was made—(Gen. 2 : 15–22 ;) yet our common mother knew it was imposed on her, as well as on her husband. (Gen. 3 : 1–3.) The *Decalogue* was addressed to men, just as this marriage law is ; but who doubts it was addressed also to women ? In the *tenth* commandment the Lawgiver says to man, "Thou shalt not covet thy neighbor's wife ;" and does He not, at the same time, say to woman, "Thou shalt not covet thy neighbor's husband ?"

But *Omicron* objects, "The Hebrew wife was, in fact, comparatively little more than the husband's slave, whom he might dismiss at pleasure."—"It follows, from these considerations,

that the Mosaic laws relative to marriage and the sexes, such as those in Levit. 18: 6–18, (however we might understand them, if now first given to us in the present state of society,) were addressed only to Hebrew men. They could not have been intelligible as addressed to Hebrew women; because they had no voice or lot in carrying them into execution; but were themselves merely passive in the arrangements between one family and another." (P. 27, par. 3, 5, Appendix.)

In reply the following remarks are offered: 1. The inquiry before us is, What is the duty of *Christian men* and *women?* If "the Hebrew wife was little more than the husband's slave," a Christian wife is not the slave of her husband, nor can he dismiss her at pleasure. The law is intelligible to a Christian woman. What is her duty? Is she not bound to obey the marriage law? If a man be so wicked as to propose to marry his sister, can she consent without sin? Or if a man propose to contract any marriage within the Levitical degrees, can the female accept his proposals, and be free from guilt?

2. Why could not Hebrew women understand

the law? Were they so stupid as to be incapable of instruction? Were not the precepts that prohibited a son to marry his mother, or a brother to marry his sister, as intelligible to Hebrew women as the precepts in the Decalogue, "Thou shalt not commit adultery," and "Thou shalt not covet thy neighbor's wife?"

3. The Hebrew women were *not passive* in marriage. They had a voice in forming this interesting contract. Rebecca was consulted in regard to her marriage with Isaac. This indeed occurred before the giving of the Mosaic law; but it indicates the custom among the ancient Hebrews. Ruth certainly was not passive in forming a matrimonial connexion with Boaz. She took decisive measures for effecting it. See Ruth, chap. 3. The childless widow was authorized by law to require her husband's brother to marry her, and to treat him with great indignity if he refused. (Deut. 25: 5-10.) A daughter betrothed by her parents, was allowed, when she came of age, the privilege of refusing to consummate the marriage with the man selected, and afterwards forming a matrimonial connexion with any one she might choose. See the form

of renunciation in *Selden's* Uxor Ebr. Lib ii., chap. 3.

4. "A Hebrew wife was, in fact, comparatively little more than the husband's slave!" So says *Omicron;* and the *Puritan* makes the same assertion. (P. 7, at the bottom.) What proof is offered? None by either writer, except the law of divorce. This we shall examine presently. In the meantime we deny the fact. In Christian lands some wives are treated by their husbands worse than slaves. But such cruel treatment is not authorized by the Divine law; nor does it affect the relation of women to its binding authority. Did Abraham, or Isaac, or Jacob, treat their wives little better than slaves? Did Moses and Aaron act thus towards their wives? Did Elkanah treat his wives as slaves? (1 Sam. 1: 4-8.) Did King David so treat his wives?

The Hebrews did, it is allowed, in corrupt periods, act toward their wives with great cruelty. But such conduct was unauthorized by their laws. It was acting in opposition to the original design of the marriage institution. Woman was formed by the Creator to be "a *help-meet*" for man. (Gen. 2: 18.) It was always His will

that wives should be the *companions* of their husbands, (Deut. 24 : 5 ;) and the bill of divorcement which the law directed to be given to a woman, when put away by her husband, was allowed on account of the hardness of men's hearts.

5. Nor were the Hebrews authorized to put away their wives "at pleasure." Restraints were laid on them. Some wives they were forbidden to divorce. See Deut. 22 : 13–19, 28, 29. The text referred to by Omicron (Deut. 25 : 1) is altogether insufficient to sustain his sweeping assertion, that a "Hebrew husband might divorce his wife *at any time*, on *slight* grounds," and "at pleasure." (P. 27.) The "uncleanness" referred to in the text, was in the judgment of Scott, something that formed "*a real grievance.*" Commentators, however, are divided in their opinions ;* and so were the two famous Jewish schools in our Saviour's time.†

The lax interpretation should not be admitted for the following reasons :—1. The condemnation of it by our Great Teacher, when the Phar-

* Poole on Deut. 25 : 1.

† Clarke on Matt. 19 : 13.

isees put to him this question: "Is it lawful for a man to put away his wife for every cause?" See Matt. 19: 3–9. 2. The pungent rebuke of the licentious conduct of the Jews, by Malachi, God's last prophet under the Old Testament. The Jews had divorced their wives, and married other women; so that the altar of the LORD was covered "with tears, with weeping, and with crying out, insomuch that He regarded not the offering." "Yet ye say, Wherefore? Because the LORD hath been witness between thee and the wife of thy youth, against whom thou hast dealt *treacherously:* yet she is thy *companion,* and the wife of thy covenant. And did he not make one? Yet had he the residue of the spirit. And wherefore one? That he might seek a godly seed. Therefore take heed to your spirit, and let none deal *treacherously* against the wife of his youth. For the LORD, the God of Israel saith, that he HATETH *putting away.*"

Compare this scripture with the above quotation. *Omicron* says, "The Hebrew wife was little better than her husband's slave?" God says she is his "*companion,* and the wife of his *covenant.*" Omicron says, The husband could dis-

miss his wife "at pleasure;" God says, "He HATETH *putting away*," and warns the husband not to "deal *treacherously* against the wife of his youth." Now, was the Hebrew wife, whom God denominates the companion of her husband, and whom He condescends thus to protect in the enjoyment of her rights, little better than his slave? If a wicked man treated her so, it was in opposition to Jehovah's known will.

6. That this Levitical law was addressed to Hebrew women, as well as to men, is plain from the twentieth chapter, which denounces the civil penalty equally against both sexes. See vs. 11, 12, 14, 17, 20, 21. If the law was not addressed to women, they were guiltless, and were not deserving of punishment. But, as they were to be punished for its violations, it is evident they were considered as guilty; and it follows that the law was addressed to them: for Paul says, "Where no law is, there is no transgression." And again, "Sin is not imputed when there is no law." Rom. 4: 15, and 5: 13.

7. The last proof of the correctness of this rule which we offer is, the interpretation which *Jonathan*, the son of *Uzziel*, has given of

the seventh verse of this chapter. "He was," says Adam Clarke, in his Succession of Sacred Literature, (p. 50,) "brought up in the celebrated school of *Rabbi Hillel*, grandfather to *Gamaliel*, at whose feet St. Paul was brought up. *Hillel* died about the time of our Saviour's birth; and *Jonathan*, who was the most famous of all his scholars, and equalled by the Jewish Rabbins to *Moses* himself, continued to flourish a long time after." This famous Jewish Rabbi regarded the *seventh* verse as addressed directly to the *woman*, as well as to the man. His interpretation is this: "Turpitudinem patris tui et turpitudinem matris tuæ non contemnes: mulier non rem habebit cum patre suo, et vir non coibit cum matre sua; mater tua est, non revelabis turpitudinem ejus.*

Compare this with *Omicron's* assertion, (p. 27, 5th par.,) "that the Mosaic law relative to marriage and the sexes, such as those in Levit. 18: 6–18, (however *we* might understand them, if now first given to us in the present state of society,) were addressed only to Hebrew men." How opposite to the views of this famous Jewish Rabbi!

* See his Targum in the London Polyglott.

Let us now exemplify the operation of this rule.

Does the law say to man, "Thou shalt not uncover the nakedness of thy mother?" (V. 7.) It says to woman, Thou shalt not cohabit with thy father.

Does the law say to man, "Thou shalt not uncover the nakedness of thy father's sister?" (V. 12.) It says to woman, Thou shalt not cohabit with thy father's brother.

Does the law say to man, "Thou shalt not uncover thy father's brother's wife?" (V. 14.) It says to woman, Thou shalt not cohabit with thy mother's sister's husband.

Thus this marriage law accords with the moral law: for when the Decalogue says to man, "Thou shalt not covet thy neighbor's wife;" it says to woman, Thou shalt not covet thy neighbor's husband.

IV. *In interpreting the marriage law, we are to avail ourselves of the light of Christianity.*

This seems so plain as to need no proof. But what says *Omicron?* "Some minds are doubtless led to look at the subject in a *wrong* light, by making no distinction between the relative

position of man and woman, husband and wife, in our day, and their relative position under the Hebrew commonwealth. Because the two sexes stand on an equal footing in the eye of the law and in general usage, it is natural, though not correct, to regard them as having stood on the same ground in respect to Hebrew law and custom." (P. 26, Appendix.)

Is this in point? Had Omicron been called upon to frame an excuse for the conduct of the Jews in violating their law, this might be introduced with some plausibility. But, in debating the question, Whether it is now lawful for a Christian man, living under the light of the new dispensation, to marry his deceased wife's sister, what has it to do with the question? Are we to shut our eyes against the light of Christianity, and placing ourselves under the obscurity of the old dispensation, and viewing ourselves as citizens of "the Hebrew commonwealth," to interpret the law as a civil or judicial law, and thus ascertain *our* duty? Are we to look at this subject with *Jewish*, and *not* with *Christian* eyes? How unreasonable! The law laid down in the *eighteenth* chapter of Leviticus, is a law,

not of the Hebrew commonwealth, but of the *Church* of God in all ages. We are Christians; we live under the glorious light of the gospel; Jesus Christ has explained to us the law of marriage; He prohibits divorce, except for one cause: all this we are to *remember*, and to interpret the law in all the light which Christianity sheds upon it *for ourselves*.

But says Omicron, (p. 27,) "With us, indeed, this question assumes a somewhat different shape, in consequence of our Saviour's prohibition of divorce. Matt. 5: 31, 19: 6. But this, it must be remembered, was unknown to the ancient Hebrews." The declaration which God made by Malachi, "that he hateth putting away," was also unknown to the ancient Hebrews; but were the later Jews, who knew it, to pay no regard to it, in their interpretation of the law of divorce? Or are we, who not only know this, but what our Saviour has said of divorce and polygamy, and who enjoy the light which our Redeemer has shed upon all laws, not to avail ourselves of the light imparted to us in interpreting the law of incest and of marriage? What inexcusable ingratitude would this be! If the

ancient Hebrews erred for want of light, we cannot plead the same excuse. We have ample light; let us walk in the light.

V. AFFINITY *is as* PERMANENT *as consanguinity.*

This is denied both by *Omicron*, (p. 27,) and by the *Puritan*, (p. 9.) "The Hebrew," says the former, "at least would hardly have thought so, judging from the customs of his country, and from the provisions of the Mosaic law in respect to inheritance and other like matters. Yet so thought *Maimonides*, that learned and celebrated Hebrew scholar. 'Conjunctiones hic *æque* prohibentur cum propinquis *affinitate* et *nuptiis* atque cum propinquis *sanguine*, teste etiam *Maimonide*.'*

"Even Maimonides testifies, that conjunctions with relations by *affinity* and marriage, are *as much* prohibited as with relations by *blood*."

The death of a wife does not, as the *Puritan* supposes, (p. 9,) affect the affinity of her husband to her surviving kindred. Her mother is still his mother-in-law; her brothers and sisters

* Poole Synop. Lev. 18 : 14.

are his brothers and sisters; and they are still the uncles and aunts of his children. Were it otherwise, were the affinity established by marriage dissolved by the death of a wife, there would exist, on the ground of relationship, no bar to his marriage with her *daughter*, or with her *mother;* but the first is expressly forbidden, (Levit. 18: 17;) and the second was declared to be wicked and punishable with death. See Levit. 20: 14.

If the Jews, by abusing the law of divorce, repudiated their wives frequently and for trifling causes, or, contrary to the original design of marriage, multiplied their wives, their unwise and sinful practices did not change the prohibitions of the Levitical law, nor alter the affinity created by marriage. The perplexities that may have arisen from their folly in interpreting the law in regard to themselves, are not to be brought forward to obscure its obvious meaning in application to Christians, to whom polygamy has been plainly interdicted, and who are permitted to divorce their wives for one cause only. The true question is, What does the law say to us? not What does it say to the ancient Hebrews?

In confirmation of his reasoning, *Omicron* says, just before the preceding quotation, "As a Hebrew, I might take a wife to-day, and divorce her to-morrow. I might take a second, and a third, yea, even a twentieth wife, and divorce them all." And does he really believe he could act in this licentious manner, under the sanction of a divine law? Does he believe he might, under a divine sanction, dismiss a wife for every trifle, and, to gratify his lusts, dismiss *twenty* wives?

Omicron goes on to inquire, "Am I to understand, that affinity arising from these precarious and transient connexions, was a bond as close, and valid, and permanent, as the ties of blood? and that the Hebrew was as strongly bound to all the various relatives of his twenty wives, as he was to his own blood-kindred of the like degree?" These are questions that might be asked by a Hebrew, who, to gratify his lawless passions, had divorced twenty wives, and then found himself involved in a *maze* of difficulties; but surely they do not become a Christian divine, who is discussing the duty, not of Jews, but of Christians.

The God of Israel had forbidden the king to "multiply wives to himself," (Deut. 17: 17,) and prohibited to all Israel to form matrimonial alliances with other nations, (1 Kings 11: 2;) yet Solomon had seven hundred wives, and three hundred concubines, (v. 3;) and among them were "many strange women, together with the daughter of Pharaoh, women of the Moabites, Ammonites, Edomites, Zidonians, and Hittites." (V. 1.) The mournful consequences of such violations of the Divine law, are recorded in sacred history. See 1 Kings 11. Why did not *Omicron* bring forward this strong case of this licentious king of Israel, who had, besides three hundred concubines, *thirty-five times twenty* wives, and then *triumphantly* propose his questions about *affinity!*

The number of relations by *affinity* with whom we may not cohabit, specified in the law, are the following:

1. Step-mother, v. 8.
2. Father's brother's wife, v. 14.
3. Daughter-in-law, v. 15.
4. Brother's wife, v. 16.
5. Wife's daughter, v. 17.

6. Her son's daughter, v. 17.
7. Her daughter's daughter, v. 17.
8. Wife's sister, v. 18.

All these are obviously relations by *affinity;* and they are as numerous as the relations by consanguinity, specified in the law: so that it is very evident, from the explanation given by the Lawgiver himself of the general rule laid down in the *sixth* verse, that NEAR OF KIN comprehends *affinity* as well as consanguinity.*

* The Supreme Court of Massachusetts has, by a recent decision, reversed that of an inferior court which had pronounced the marriage of a man with his deceased wife's daughter to be incestuous, on the ground that, *by the death of his wife, the* AFFINITY *between him and his wife's daughter* ENTIRELY CEASED; and therefore he could lawfully marry his step-daughter. So state the public papers.

Such is the decision of a Supreme Court in the land of *steady habits*—in the land of the descendants of the *Puritans!* This is the doctrine of the *Puritan.* See p. 9, paragraph next to the last. He will hail it as another advance of the public mind towards the truth!

Let us look at the consequences of this decision of the Supreme Court.

If the death of a wife dissolve the *affinity* between

her husband and her daughter, it must dissolve the affinity between him and *all* her kindred. What follows?

1. A man marries a woman; and by his marriage he sustains affinity to all her kindred. Her mother becomes his mother-in-law; her father his father-in-law; her sons and daughters his step-sons and step-daughters; her uncles and aunts his uncles and aunts. She dies; and, according to the doctrine of the Supreme Court, all these relations, which had subsisted till the moment of her last breath, cease. The husband survives, and her blood kindred survive; but the relation which bound them together has vanished with her breath. Her mother and father were his mother and father-in-law, but they are so no longer. Her brothers and sisters were his brothers and sisters-in-law, but they are so no longer. Her sons and daughters were his step-sons and daughters, but they are so no longer. These endearing ties may have subsisted long, and strengthened with revolving years; but by her death, they have all been dissolved in a moment, and all these survivors are sundered apart, as if they had never been united. How revolting to common sense!

2. Let us see what marriages become lawful by this doctrine.

A man may marry his deceased wife's sister, her daughter, and her mother; although these marriages are prohibited by the law of God. See Levit. 18: 17, 18, and chap. 20: 14.

As the death of a husband must produce on *affinity*

the same effect as the death of a wife, a man may, after the death of the husband, marry his brother's wife ;—his father's brother's wife ;—his daughter-in-law ;—and his step-mother !—although these marriages are all expressly forbidden by the Divine law. See Levit. 18 : 8, 14, 15, 16.

Whither are we going? Of what advantage is the light of Divine revelation to civil *Courts*, if decisions which draw after them such consequences are to prevail ? Has the spirit of the *Puritans* departed from the Courts of their descendants? "Tell it not in Gath ; publish it not in the streets of Askelon !"

CHAPTER XI.

Subject continued.—Rules of interpretation.—Proofs that the marriage is unlawful.—Opinion of Basil the Great.—Meaning of near of kin.—Omicron's interpretation.—His error.—His imaginary relation.—But two kinds of relations.

LET the reader review the rules of interpretation laid down in the preceding chapter, and examine whether they are sound and correct. That he may see them in one view, we repeat them.

I. This law is to be interpreted in conformity with its *general* and *permanent* character.

II. This law settles the *degrees* of marriage, without specifying all the particular cases which come within the compass of these degrees.

III. This law is addressed to *women* as well as to men.

IV. In interpreting this law we are to avail ourselves of the *light of Christianity*.

V. *Affinity* is as PERMANENT as *consanguinity*.

By these rules of interpretation, the marriage of a man with his deceased wife's sister can be proved to be unlawful.

1. The *fifth* rule shows that the near relation which a man sustains to his wife's sister, is not destroyed by her death; and, by the *second* rule, she is brought within the interdicted degrees: for she sustains to her sister's husband precisely the same relation he sustains to his brother's wife, whom he is expressly forbidden to marry.

2. Such a marriage is unlawful by the *third* rule; for it teaches us that the law addresses women as well as men. When, therefore, it prohibits a man to marry his brother's wife, it virtually prohibits a woman to marry her sister's husband.

3. This marriage is prohibited by the general rule laid down in the *sixth* verse of the chapter; for the husband is "*near of kin*" to the sister of his deceased wife, according to the true meaning of the phrase, as explained by the subsequent prohibitions, which prove that it refers to relations by *affinity*, as well as by consanguinity.

Basil, surnamed THE GREAT, who flourished in the fourth century, denominates this mar-

riage "an obscene transaction;" and afterwards, in proving it to be unlawful, reasons thus: "We might, in the first instance, object, (and in matters of this kind, such objection is of great importance,) that among Christians, there is no such custom; and custom has the authority of law. But I am far from admitting that the divine Lawgiver has been silent on this subject. On the contrary, I assert that he has most severely and pointedly condemned such marriages; for that alone, *Thou shalt not approach to any who is near of kin*, certainly includes this species of relation; for what is so near to a man as his wife? are they not one flesh? By the wife, therefore, her sister becomes nearly related to the husband. For as he may not marry the mother of his wife, or the daughter of his wife, so, for the same reason that he may not take the mother or the daughter, he may not take the sister of his wife; yea, no more than he may take his own sister by blood."*

In this extract we have, besides the reasoning of this great Christian divine, his *testimony* to

* Dr Livingston's Disser. pp. 149, 150.

two points:—first, that such marriages were not customary among Christians, being deemed unlawful: and, secondly, that the Levitical law was held by the Church to be binding.

To all this *Omicron* will object. He lays great stress on the original terms, in the *sixth* verse, translated *near of kin*, and attempts to prove that they refer only to *blood*-relation. We think he has failed in his criticism.

The plain and obvious interpretation is, that they comprehend all the degrees specified, whether of *consanguinity* or of *affinity*, and that the specifications are designed to show the true extent and compass of the general rule.

Jeremy Taylor says, "For *near of kin* is an indefinite word, and may signify as uncertainly as *great* and *little;* nothing of itself determinately, but what you will comparatively to others; and it may be extended to all generations, where any records are kept, as among the Jews they were; from Judah to Joseph, the espoused of the Blessed Virgin."

Again, "*Affinity* makes conjunctions *equal* to those of *consanguinity*: and, therefore, thou must not uncover that nakedness which is thine

own in another person of *blood* or *affinity*, or else is thy father's or thy mother's, thy brother's or thy sister's, thy son's or thy daughter's nakedness."*

There is justice in Taylor's remarks on the meaning of the words he quotes. Jesus Christ is our Redeemer, the *Goel*, near *kinsman*, (Levit. 25 : 49,) who redeems the forfeited inheritance. "We are members of his body, of his flesh, and of his bones," Ephes. 5 : 30. And what does this signify? Why, that Jesus Christ assumed human nature, and thus became our near *kinsman;* or, as the apostle says, "Forasmuch, then, as the children are partakers of flesh and blood, he also himself likewise took part of the same; that through death he might destroy him that had the power of death, that is, the devil; and deliver them who, through fear of death, were all their lifetime subject to bondage," Heb. 2 : 14.

Paul calls all the Israelites "his brethren, his *kinsmen* according to the flesh," Rom. 9 : 3; and what did he mean but that he and they were descended from the same patriarchs, Abraham, Isaac, and Jacob?

* Duct. Dubit. pp. 230, 231.

Every man is my *kinsman* according to the *flesh*. Why? Because we are all descended from the same common pair, have the same blood flowing in our veins, and partake of the same nature. "God," says an inspired writer, "hath made of *one blood* all the nations of the earth, for to dwell on all the face of the earth." Acts 17: 26. Hence the language of the prophet, "And that thou hide not thyself from *thine own flesh*," (original מִבְּשָׂרְךָ; Sept. *ἀπὸ τῶν οἰκείων τοῦ σπερματός*,) Isai. 58. 7. All these expressions are to be determined by the context and the occasion. They are, according to the context and occasion, more general or more restricted in their meaning.

The meaning of the terms in Levit. 18: 6, is explained in the context, by the prohibitions; which obviously show, that it includes relations by *affinity*, as well as relations by consanguinity; and that it is to be extended as far as the degrees specified, and no farther.

Philology does not, as Omicron asserts, "confine the prohibition in verse 6 to *blood*-kindred," (p. 27,) in his sense of the terms. He means, as is manifest from the two preceding para-

graphs, *blood*-kindred, to the exclusion of "affinity, or relationship by marriage." Neither the original Hebrew nor Greek terms will justify the assertion. Look at his proofs in the paragraphs. בָּשָׂר, as we have already seen, is a word of extensive signification. In Gen. 6 : 12, it means all mankind; and in Gen. 7 : 21, it signifies all animals as well as men. *Simon*, in his *Lexicon*, says it means relatives by blood and *affinity*. That the latter are embraced, see Judg. 9 : 2, and 2 Sam. 19 : 11, 12. The passages referred to by Omicron, use the Hebrew word שְׁאֵר for *blood*-kindred; but his comment on Num. 27 : 11, is not correct. He says, "This last passage in Numbers, is especially decisive; for it directs that the inheritance of land, in default of a son or other near heir to any person, shall go to the next of his 'kin;' שְׁאֵר, (she-er,) in his clan or division of his tribe, (not in his *family*, as in the English version.) But inheritance went only by blood, never by affinity; and in this very instance it passed over all the nearest relations by affinity, to go to a blood-kinsman, however remote. This word, then, did not of itself include even the nearest degrees of affinity."

On this passage of *Omicron* we offer the following remarks:

1. His censure of the English version is groundless; for the original word is not the one quoted by him, but a very different word, which is rightly rendered by the English word *family*.

2. The kinsman spoken of is the kinsman of the deceased man's *father*, that is next to him of his family.

3. When a Hebrew died without a son, the inheritance went, according to law, to his daughter, (v 8:) but if he had no daughter, then it went to his brethren; if he had no brethren, then to his father's brethren; and if his father had no brethren, then to his father's kinsman that is next to him of his family. It is true that the inheritance passed the nearest affinity-relations; and so, with the exception of a daughter, it passed the nearest female *blood*-relations, as sisters and mother, and even his father, that it might go to his father's brethren or a more remote kinsman, (Num. 27: 9–11.) Now, from this legal arrangement about inheritance, what argument can, with propriety, be drawn to limit the signification of the Hebrew word to *blood*-kin-

dred, to the exclusion of relations by *affinity*, or marriage? It will be seen, by examining the prohibitions, (although Omicron thinks this exclusive signification is confirmed by the addition of another Hebrew term,) that the meaning of the original term does include *affinity*, as well as consanguinity, even by his own admission.

It is added by *Omicron*, "The Seventy also understood it in the same restricted sense; and have always rendered it by some form of οικος, οικειος, and the like, implying a relationship in one's own house or family, that is, by blood; and not contracted from abroad by marriage."

Now we undertake to prove that the meaning of this Greek term is not restricted to relationship by blood, and that instead of excluding relationship by marriage, it really includes it. "And the LORD said unto Noah, Come thou and all thy house (οικος, בֵּיתְךָ) into the ark," Gen. 7: 1. Who constituted all Noah's family? Were they all *blood*-relations, and none by affinity? Noah obeyed the command; and whom did he take with him into the ark? We have an answer in the seventh verse: "And Noah went

in, and his sons, and his *wife*, and his son's WIVES with him, into the ark." Were the wives of Noah's sons *blood*-relations? Take another proof. "For I know him, that he will command his children and his household (οικος) after him," &c., (Gen. 18 : 19.) Who constituted the household of Abraham, as distinguished from his children? We find an answer in chap. 17 : 23. "And Abraham took Ishmael, his son, and all that were born in his house, (οικογενεις,) and all that were bought with his money, every male among the men of Abraham's house, (οικος,) and circumcised the flesh of their foreskin in the self-same day, as God had said unto him." So extensive is this Greek term, that it includes in its meaning not only relations by affinity, but even servants bought with money. *Robinson*, in his Greek and English Lexicon, gives as the meaning of this term, under "c) meton. *a household, family*, those who live together in a house."* See also Gen. 35 : 2; 42 : 33; 47 : 12, 24. Exod. 1 : 1; 12 : 4. Levit. 16 : 17, and twenty more. *Omicron* is entirely mistaken as

* *Omicron* is Robinson.

to the meaning of this Greek term. It certainly includes relations by *affinity*.

Omicron, to establish what he deems the meaning of the original term translated "*near of kin*," subjoins this remark, (p. 27:) "Farther, the addition here of the other Hebrew word בְּשָׂרוֹ, *be-sa-ro*, 'of his flesh,' renders the expression still more specific, and makes it equivalent to 'flesh of his flesh.'"

The comprehensive import of this Hebrew term, has already been shown. Manifestly it is more extensive than the other term, שְׁאֵר; it certainly embraces relation by *affinity*, as well as relation by consanguinity. Its addition, therefore, must extend, not limit, the import of the latter word. Indeed the two words seem to have been designedly selected by the Lawgiver, that the general rule in the *sixth* verse might accord with the subsequent prohibitions, and embrace both kinds of relations, as they clearly do.

The view we have taken of the meaning of the Hebrew term "*near of kin*," is confirmed by the Targums of *Onkelos* and of *Jonathan*. The Targum of *Onkelos*, which, according to Dr. Clarke, was written "some time before the

Christian era,"* translates Levit. 18: 6, thus: "Vir vir ad omnem *proximam* carnis suæ (קָרִיב בְּשָׂרֵיהּ) non accedet, ut revelet turpitudinem: Ego Deus."

The Targum of *Jonathan*, who is placed by Dr. Clarke, A. D. 50, gives this version of the same verse: "Vir juvenis aut senex, ad ullam *propinquam* carnis suæ (קָרִיבַת בִּישְׂרֵיהּ) non accedetis ad contemnendum turpitudinem ejus concubitu, aut nudatione turpitudinis: ego Dominus."

The word *proximus* used by the former, and the word *propinquus* by the latter, (and the original terms,) signify a relation by *affinity*, as well as by *consanguinity*. So that both these celebrated Jewish Rabbies differ from *Omicron* in the interpretation they give of the Hebrew terms rendered in our English version "*near of kin*."

It is manifest, then, that "*Philology*" does not confine the prohibition in the sixth verse to *blood*-kindred.

Omicron, presuming that his philology is sus-

* Secession of Chris. Literature, p. 48.

tained by the prohibitions, adds: "But how is this borne out by the subsequent verses? I agree with Dr. Hodge, that all that follows is only the amplification and application of this general rule, showing what degrees of nearness of kin constitute a bar to marriage. Hence, when there could be no possible doubt as to the meaning of 'flesh of his flesh,' no specification is given; as in the case of one's own daughter. But in cases where doubt could arise, or where there could be any possible evasion, a specific prohibition is subjoined; hence the wife's daughter is expressly prohibited in verse 17; because, although no one could doubt that my own daughter is 'flesh of my flesh,' yet it might be a question, whether my step-daughter is to be so regarded."

The following remarks on this quotation will test the correctness of *Omicron's* reasoning.

1. As his object is to prove, from the verses subsequent to the sixth, that they restrict the prohibitions to *blood*-kindred, he must mean, by "flesh of his flesh," and "flesh of my flesh," *blood*-kindred; unless he intends, very improperly, to shift his ground.

2. Omicron has been most unfortunate in his

inspection of the prohibitions. Can any one doubt whether a *mother* is a *blood*-relation? Is evasion here possible? Let the reader open his Bible, and look at the first prohibition, (v. 7.) What is it? "The nakedness of thy mother shalt thou not uncover: she is thy mother; thou shalt not uncover her nakedness." Observe, too, the prohibition is repeated.

3. Omicron in fact yields the point in dispute; for he shows that a *step-daughter* is expressly prohibited, in verse 17. What is a step-daughter? Not a *blood*-relation, as he represents her to be, but manifestly a relation by *affinity*, or marriage.

Thus, by his own showing, the general rule in the sixth verse includes relations by *affinity*, as well as by *consanguinity*. If there were no other cases of the kind, this single prohibition would be decisive of the question. But there are more; not less than *eight*, as already shown, (page 177,) viz., step-mother, father's brother's wife, daughter-in-law, brother's wife, wife's daughter or step-daughter, wife's son's daughter, and her daughter's daughter, and wife's sister. So that the number of *affinity*-relations is

EQUAL to the number of *blood*-relations found in the prohibitions.

But *Omicron* has contrived, by inventing a new relative, to reduce the number to three only: the wife's "mother, daughter, and grand-daughter," (p. 28.) This new relative is denominated by him *affinity through* blood. He distributes relations into three kinds. The relation of a step-mother he calls "affinity through blood;" that of a wife's step-mother, "affinity through marriage;" that of a sister, "blood," (p. 28, near the top.) Affinity through blood we regard as a mere abuse of terms. A step-mother sustains no such relation. Her relation is by affinity or marriage. Equally erroneous is it in Omicron to denominate "paternal uncle's wife," "son's wife," and "brother's wife," "affinity through blood."

There are but two kinds of relatives; one by blood, and the other by marriage. *Consanguinity* is applied to the former, and *affinity* to the latter. *Webster* defines affinity, "The relation contracted by marriage, between a husband and his wife's kindred, and between a wife and her husband's kindred; in contradistinction from

consanguinity, or relation by blood." *Johnson's* definition is the same. There is no such relation as affinity *of* or *through* blood. It is a mere invention of *Omicron's* imagination. By this contrivance he strikes *four* relations from the affinity class; "father's wife, paternal uncle's wife, brother's wife, son's wife," (p. 28,) and by speaking of the "blood-kin" of a wife; he presents "the rule of prohibition on the ground of *blood*, under three aspects," (p. 28.) But let *Omicron* return to the use of proper terms, and lay aside his imaginary relation, and what will follow? He will then present the rule of prohibition on two grounds, that of blood and that of affinity; and will, of course, exhibit it under two aspects. His rule will read thus: "I may not cohabit,

"1. With my own *blood*-kin, in the six nearest degrees.

"2. With my *affinity* relations, in the eight nearest degrees."

If *Omicron* feels particularly attached to his rule of "three aspects of blood," we think we shall not object to it, provided he will strike out of the preceding paragraph his paren-

thesis, "(*omitting verse* 18 *for the present,*)" and add to the wife's kindred her sister, who is certainly a *blood*-kin of her body. Then his third aspect will read thus, "With the *four* nearest blood-kin of her body with whom I have cohabited."

"If affinity," inquires *Omicron* (p. 28, last par. but one,) "be the same with blood in the eye of the divine law, where is the limit to be drawn?" This question we answer by another. If blood be the only reason of the law, where is the limit to be drawn? We answer both by saying, The law prescribes the limit. He adds, "If my wife's sister be to me in this respect as my own sister by blood, then why does she not stand in just the same relation to my own brother? A singular question! With the same propriety might *Omicron* ask, If, by marriage, I and my wife are so intimately related as to be one flesh, why does she not stand in just the same relation to my own brother? Because she is not married to him.

The relation which a man bears to his brother's wife has generally been admitted to be the *same* as the relation he bears to his wife's sister.

Omicron denies this; and, styling a "Brother's wife affinity through blood," he says, "Parallel, not the wife's sister, as is often assumed, but the wife's brother's wife:" (p. 28:) that is, the relation of a wife's brother's wife, which results from *two* intervening marriages, is the *same* as the relation of a brother's wife, which results from a *single* marriage. A singular parallel! My brother's wife might say, "The relation I sustain to my husband is the nearest of all human relations; we are '*one flesh;*' I therefore bear a *near* relation to his brother." In like manner, I may say, "The relation I sustain to my wife is the nearest of all human relations; we are '*one flesh:*' I, therefore, bear a near relation to her sister." Are not these two relations parallel?

Omicron is not correct in saying that marriage with a wife's mother is expressly forbidden in verse 17. That verse does not *expressly* prohibit such a marriage. Its unlawfulness is determined by inference; and the terrible penalty denounced against it, in chap 20: 14, shows the inference to be correct. See above, chap. vii: p. 124.

Further, let it be observed, that, by one of his

own rules, on p. 28, No. 2, the marriage of a man with his deceased wife's sister, can be proved to be unlawful. The rule laid down by us for interpreting this law of marriage, in Levit. 18, (p. 181,) that the Lawgiver speaks in it to *women*, as well as to men, we deem perfectly just, and not to be disproved. Now, as a man can, according to *Omicron's* direction, say, "I may not cohabit with that with which my own blood-kin of the *four* nearest degrees has cohabited;" among which degrees is a brother; or, in other words, I may not marry his wife: so a woman can say, "I may not cohabit with that with which my blood-kin of the *four* nearest degrees has cohabited;" among which degrees is a sister: or, in other words, I may not marry her husband.

If, then, it be unlawful for a woman to cohabit with, or marry her sister's husband, it must be unlawful for that man to marry his deceased wife's sister.

One remark more, and we have done with his objections. Speaking of a man who has married a second time, *Omicron* says, (p. 28,) "The former prohibitions as to blood and blood-affinity,"

(blood-affinity! an abuse of terms!) "all remain; but his marriage has brought him into a new affinity with the female relations of his *late* wife." New relations! what new relations to the female relations of his late wife? They remain unchanged. He goes on to inquire, "Do the same prohibitions pass over now upon, and include all these new relations?" When Omicron has proved that affinity to a wife's kindred is destroyed or changed by her death, he may ask this question. This he has not done, nor is he likely to do so. The prohibitions passed upon and included the kindred of the first wife, as soon as she was married; and after her decease they remain upon them, and abide on them, during their lives, and the life of her husband.

CHAPTER XII.

Conclusion.—Leviticus 18: 18.—Meaning.—Objections.—Implication often rejected.—Penalties of the Hebrew civil law

In the last chapter it was shown, by just rules of interpretation, that it is unlawful for a man to marry his deceased wife's sister, for the following reasons:

1. He sustains to her precisely the same relation which he sustains to his brother's wife, whom he is expressly forbidden (v. 16) to marry.

2. As the law addresses women as well as men, when it says to a man, Thou shalt not cohabit with thy brother's wife, it virtually says to a woman, Thou shalt not cohabit with thy sister's husband.

3. A man's sister-in-law is *near of kin* to him; and so comes under the general rule of prohibition in the 6th verse.

4. She is *blood*-kin to her sister, with whom her brother-in-law has cohabited.

To all these reasons we subjoin another, that a man is expressly prohibited to marry his wife's sister. (Ver. 18.)

The prohibition is so plain that our brethren do not deny that it was unlawful to marry a wife's sister, while she was living. But they contend, that the prohibition was binding only during the life-time of the first sister to whom the man was married.

In replying to this objection, we shall not avail ourselves of the position taken by our friends, who contend that this part of the law relates to *Polygamy*. Allowing the construction put upon the text by our opponents to be correct, we shall meet them on their own chosen ground.

Two remarks will aid us in coming to a right conclusion.

1. The question under debate, is not whether it was lawful for a Jew, but whether it is lawful for a Christian, to marry his deceased wife's sister? These questions are materially different; because the circumstances of the two individuals are widely different. The Jew lived under a *Theocracy*, a civil government in which God was the king; and the light which he enjoyed was com-

paratively obscure. In consideration of the dispensation under which he lived, his conduct was, in some things, winked at. He might have more than one wife, and he might divorce his wives, and not be punished by the civil magistrate for his offence against the moral law. But to a Christian, who lives under the new and better dispensation, and enjoys the clear light of the gospel, polygamy is utterly unlawful; nor is he permitted to divorce his wife, except for fornication. What might, in the eye of the civil magistrate, be regarded as not unlawful to a Jew, is now known to be entirely unlawful to a Christian. It is important to keep this distinction in view. Neither *Omicron* nor the *Puritan* gave it due weight in the argument.

2. The question is to be settled by availing ourselves of the light of the gospel, and not by returning to the obscurity of the old dispensation. This seems perfectly obvious; and yet we have seen how both the *Puritan* and *Omicron* wish to try the question at the bar of Judaism, and in a Jewish court.

Our brethren plead, as an objection to our doctrine, that the lawfulness of the marriage under

discussion, may be inferred from the clause in the 18th verse; "*in her life-time.*" They contend, that, although the law forbids a man to have for wives two sisters at the same time, yet it does not forbid a man to marry two sisters in succession, the second after the death of the first.

We reply, The law, as we have before shown by a fair construction, has, in preceding sections, pronounced its prohibition of such a marriage; and this prohibition is not to be set aside by a mere inference from a *single clause* in a *single verse.*

With more plausibility may an inference in favor of polygamy be drawn from this text; for, while it prohibits a man to take his wife's sister in marriage, it does not prohibit him to marry another woman, during the life-time of the first wife. Is such an inference admissible? Is polygamy now lawful, or was it ever really lawful? Neither the *Puritan* nor *Omicron* pleads for this. "We grant," says the first, (p. 20,) "that polygamy was forbidden *in the moral law;* though in terms so obscure, that the best of men seem not to have been aware of the prohibition, in the early days of the Hebrew com-

monwealth. It was one of *those sins* which, being deeply imbedded in the customs of the people and institutions of society, was only checked and restrained, and not absolutely forbidden by civil legislation. "The latter says, (p. 29,) "But further, the Mosaic laws, if they did not sanction polygamy, did at least in some instances regulate it, as being a former custom; just as in other cases of old customs, which the Lawgiver did not see fit expressly to prohibit."

Polygamy then was, by the admission of both our opponents, always *sinful:* "which God," says the Puritan, (p. 20,) "as *moral* governor, uttering the higher laws of the universe, condemned." The inference, therefore, in favor of this sinful custom, derived from this verse, with more force and plausibility than the inference in favor of the marriage under debate, must be rejected as unsound and inadmissible. The Jew, accustomed to regard polygamy as lawful, did not see this truth: but Christians, who have been taught to regard that Oriental custom as sinful, inconsistent with the original design of the marriage institution, and in opposition to the plainly expressed will of our su-

preme Lawgiver, see it clearly, and, therefore, reject the inference.

In fact, this verse, if it does not contain a general prohibition of polygamy in plain terms, certainly does contain a prohibition of polygamy in respect to two sisters. It also assigns the reason of this prohibition, the vexation and unhappiness that would result from it to the first wife; and does not the same reason apply to this sinful practice, whether the two wives be sisters, or be taken from unrelated families? See the case of Elkanah and his wives. (1 Sam. 1 : 1–8.) Had not the Hebrews been misled by the prevalence of this vicious custom, they might have derived salutary instruction from this prohibition, which was designed to impose a restraint on polygamy.

The inference in favor of polygamy is urged by none; it is abandoned by all as unsound and inadmissible: and why should not the inference in favor of the marriage in question be relinquished as untenable? Will it be said, If this marriage were sinful, the prohibition would have been delivered in plainer terms? The assumption is unfounded, and does not accord

with facts. Polygamy was always sinful, and yet the terms in which the law prohibited it were not so plain as to convince the ancient Hebrews of its unlawful nature. The supreme Lawgiver always legislates with infinite wisdom, but not always as human wisdom would dictate.

To rest the decision of an important question in morals, on so slight and seeming an implication of a *single* phrase in a *single* text, would be hazardous indeed.

Various passages might be here adduced from sacred Scripture, the implication of which must be rejected. Take a few examples : "The LORD said unto Joshua, Make thee sharp knives, and circumcise again the children of Israel the *second time*." (Jos. 5 : 2.) From this some might be led to think, that circumcision was to be repeated on those who had already received in their flesh the sign of the covenant. Such an inference, however, could not be admitted, though seeming to accord with the terms of the command. Nothing more was meant by it, than that the children on whom this sign had not been impressed, should now receive it—"Therefore

Michal, Saul's daughter, had no child *unto* the day of her death," (2 Sam. 6 : 23,) does not imply that she had a child at her death, or after that event, as an unreflecting person might imagine.—Paul says, "Then *we* which are alive and remain, shall be caught up together with them in the clouds to meet the Lord in the air." (1 Thes. 4 : 17.) Some might feel inclined to suppose Paul believed that he and some of the Thessalonians would be alive at the second advent of our Redeemer ; but though the words of the apostle seem to imply it, we know he did not so believe.—In answer to Peter's question about John, "Jesus saith unto him, If I will that he tarry *till* I come, what is that to thee ? Follow thou me." What inference was drawn from these words of our Lord ? The sacred historian has told us : "Then went this saying abroad among the brethren, that that disciple should not die." Was this inference correct ? It was not ; for John, we know, did die ; and he himself adds, as a corrective of their mistake, "Yet Jesus said not unto him, He shall not die, but if I will that he tarry till I come, what is that o thee ?" (John 21 : 20–23.)

We have, it is true, sufficient reason for rejecting the implication of these texts; and have we not abundant reason for rejecting the implication of the particular text under review?

Let the truths that have been established in this discussion be again recalled. We have, it is believed, proved, that the Levitical law is an ecclesiastical law, (not civil or judicial,) designed for the Church in every age; which, having never been repealed, is perpetually binding on Christians. It has been proved, that this law prohibits not only single incestuous acts of uncleanness between near relations, but their marriage, and prescribes the limits of lawful marriage. It has been proved, that this ecclesiastical law is a *moral law*, designed to regulate the conduct of men in a matter of high interest, in which domestic purity and sound morals in the community are deeply concerned; and a *natural law*, resting on the *natural relations* which the Creator has constituted. It has been proved, that this ecclesiastical, moral, and natural law prohibits, in various ways, and in different sections, the marriage in question.

1. It comes within the compass of the general

prohibition or rule laid down in the *sixth* verse: for the sister of a married woman is *near of kin* to her husband; because she sustains a near *affinity* relation to him, and a near *blood* relation to her with whom he has cohabited.

2. A man sustains to his sister-in-law the same relation which he sustains to his brother's wife, whom he is expressly forbidden to marry, (v. 16;) and, therefore, by parity of reason, he is forbidden to marry his wife's sister.

3. As the law addresses women as well as men, when it expressly prohibits a man to marry his *brother's wife*, it virtually prohibits a woman to marry her *sister's husband;* and, therefore, if it is unlawful for this woman to marry this man, it must be unlawful for him to marry her.

4. A man is forbidden to marry his *mother's sister;* and the reason assigned for the prohibition is this: "She is thy mother's *near kinswoman.*" (Ver. 13.) Observe, the law does not say she is *thy*, but thy *mother's*, near kinswoman.

A *wife's sister* is to her precisely the same, her *near kinswoman:* and, therefore, by *parity* of reason, her husband may not marry his sister-in-law; because he is expressly forbidden to marry his

mother's sister, who sustains the same relation to his mother which his sister-in-law sustains to his wife.

Again, the husband bears to his wife's sister a nearer relation than he bears to his mother's sister; because he is more nearly related to his *wife*, than to his mother: and, therefore, we infer *a fortiori* that it is unlawful for him to marry his deceased wife's sister; because he is expressly forbidden to marry a woman to whom he is not so nearly related: just as we infer it to be unlawful for a brother and sister born of the same parents to marry; (although such a marriage is not specified in the law;) because the marriage of a half-brother and sister, one born of the father, and the other of the mother, is expressly prohibited.

5. Finally, the marriage of a man with his sister-in-law, is in express words forbidden. (Verse 18.)

Now, in opposition to this accumulated evidence, ought not the seeming implication of the concluding clause of the 18th verse, "*in her lifetime*," to be regarded as futile? Is it reasonable to suppose, that this clause was introduced

by the Lawgiver to turn away the bearing of his law upon the marriage in question; which, by a fair construction, manifestly, and in various aspects of it, prohibits this marriage? We are compelled to believe that it was not introduced for such a purpose. It was, we conceive, designed, not to mark the time during which it was unlawful to marry a sister-in-law; for the unlawfulness of such a marriage had been previously settled in the law; but to set forth before the Jews, who were accustomed to regard polygamy as lawful, the *injustice* and *cruelty* of marrying two sisters; because the marriage of the second would be a source of vexation and unhappiness to the first wife as long as she lived.

This case is entirely different from that of a brother marrying the widow of his brother who had died without issue; for, although the law before us had, in the 16th verse, forbidden a man to marry his brother's wife, yet afterwards, by an express enactment of the Lawgiver, couched in terms not to be misunderstood, this case was excepted; and it became obligatory on a brother in the circumstances specified, to marry his brother's widow, that he might raise up seed to him.

In this case, by the admission of all, a man is, in express terms, forbidden to marry his wife's sister during her life-time; and no one will affirm that the text says, in plain words, he may marry such a relation after his wife's decease. It is silent in regard to the time subsequent to her death, because it was not necessary to utter more than had been written; for the law, in its preceding sections, had spoken in terms sufficiently clear to make known to us our Master's will.

It may be objected, If the unlawfulness of this marriage was settled in the preceding parts of the law, why was the prohibition of it repeated in the 18th verse? If the reader will turn to Levit. 24, he will find, that the penalty annexed to murder in the 17th verse, is repeated in the 21st verse. In the 18th chapter, which contains the law under discussion, the very first particular prohibition (v. 7) is repeated in the same verse; and the prohibition to marry a sister in the 9th verse, is repeated in the 11th verse. Why these repetitions? Are they not emphatic? Were they not designed particularly to mark the unlawfulness of these marriages? And is not the

repetition in the 18th verse *emphatic?* Was it not designed, as we have said before, to be a check on polygamy, and to guard against the recurrence of the particular kind of polygamy which consisted in having two sisters for wives, and which, if it had not been expressly prohibited, might have been frequent?

To the civil penalties which God, as the Head of the Hebrew commonwealth, was pleased to annex to this ecclesiastical law, and which he required the civil magistrate to inflict on transgressors, we are not subject; because we do not belong to that commonwealth: but to the law itself we, and all who come to the knowledge of it, are bound to yield implicit obedience; and from this obligation neither we nor they can be freed by any civil or ecclesiastical authority. It is Jehovah's published will; and it must be obeyed.

Were the public mind deeply impressed with the truth we have labored to establish, it would tend much to preserve the purity of domestic life; render the intercourse of a wife's sister in her family, at all times and in all circumstances, easy and pleasant, free from suspicion and em-

barrassment; and preserve her and her brother-in-law from the temptations to which human nature, in its present fallen condition, is too liable. It would make a sister's house like that of an own brother.

But let the public mind be impressed with an opposite conviction, and the belief of the lawfulness of the marriage in question become prevalent, and then a sister's house will assume a different aspect. Its security, its freedom of intercourse, will be impaired. A delicate female, one who regards her own character, and has a due respect to the opinions of others, will feel that she cannot dwell in her sister's family with that ease and pleasure, which she would enjoy if she knew the marriage of a man with a deceased wife's sister to be not only forbidden by the law of God, but condemned by public opinion. The purity of private life will be contaminated; public morals deteriorated; and the commandment of the most High God disobeyed.

THE END.

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